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ENGLISH TRANSLATION
OF A
COLLECTION
OF
OFFICIAL DOCUMENTS
IN THE
MALAYALUM LANGUAGE.

THE ENGLISH TRANSLATION OF A SELECTION OF OFFICIAL MALÁYALAM DOCUMENTS,

CONSISTING OF 'ARZIS AND OTHER PAPERS.

COMPILED, ANNOTATED AND TRANSLATED

FOR THE USE OF CANDIDATES FOR THE INDIAN CIVIL SERVICE,

BY ORDER OF THE

RIGHT HON'BLE THE SECRETARY OF STATE FOR INDIA,

BY

L. GARTHWAITE,

INSPECTOR OF SCHOOLS IN MALABAR AND CANARA,

MALAYALAM EXAMINER TO THE UNIVERSITY OF MADRAS,

ACTING CANARESE TRANSLATOR TO GOVERNMENT, AND

LATE ACTING MALAYÁLAM TRANSLATOR TO GOVERNMENT.

MADRAS:

Printed for the Government of Madras,

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BY WILLIAM THOMAS.

1868.

PREFACE.

The following selection of official papers forms one of a series prepared by order of the Secretary of State for India. The series consists of official papers (mostly letters or petitions) in the various vernaculars of India, with translations. The originals are lithographed in imitation of a plain handwriting; towards the end however the writing increases in difficulty. It may be mentioned here that illegibility in the writing and anomalies of spelling have been purposely avoided. The words have also been duly separated, a point at present neglected by native writers, but to which attention is beginning to be paid. The translations were intended to be as literal as possible consistently with grammar and perspicuity, but the idiom of the Malayalam language, the arrangement of words in it, and the order of sentences are so different to what they are in English, that to be literal and yet to preserve perspicuity and good English was exceedingly difficult. I have endeavoured to fulfil both conditions, but as the practical purpose of the translation as a help to the student seemed of far more importance than purity of style, I have not hesitated (where it was necessary) to sacrifice the latter to the former.

The Malayalam language is thought to be one of the most difficult of Indian dialects. The following extract from the preface to the "Catechism of Malayalam Grammar for Government schools" (the diglott edition of which should be in the hands of every student who desires to know the real structure of the language) will perhaps be of service to the reader of this work :—

"2. Those accustomed to the grammars of European tongues only, must remember that Malayalam, belonging to quite another family of languages, must necessarily present many contrasts to the grammatical system with which they have hitherto been familiar. The very fact that there are only three parts of speech in the language instead of nine, is one of those contrasts and the cause of others still more startling. * * * So in analysing sentences it will be found

that the use of nouns and verbs to supply the place of other parts of speech (adjectives, adverbs, prepositions and conjunctions) often makes the number of sentences in a Malayalam period greater than it would be in an English period expressing the same ideas, since every verb which has a separate subject, makes a separate sentence, either principal or subordinate. * * Nor can this rule be confined as in English, to finite verbs, for the genius of the language tends to long periods in which one solitary finite verb comes at the end only."

3. Bearing in mind that those who use the work will be for the most part strangers to India, I have inserted notes on all points that seemed to require explanation, though I am conscious that these notes will often seem superfluous to the Anglo-Indian. In expressing Indian names in Roman characters, I have used the system now adopted by the majority of oriental scholars, *i. e.*, Sir William Jones's as modified by Professor Wilson. (In pronouncing words thus written, the reader must bear in mind the rule of Malayalam orthoëpy that single surd consonants in the middle of a word are pronounced as sonants. The vowels have the continental pronunciation, except that short *a* is pronounced like *u* in *sun*.)

4. In the Malayalam part I have thought it expedient to put at the foot in Roman characters the various foreign words and names that occur in the 'Arzis. I think that students will not be unthankful for this assistance, for I have found that even natives stumble at these in reading.

5. There is a reference in petition 58 to an appendix "E" which was accidentally omitted in the printing. I had intended in this to give an account of the law of marriage in Malabar. This will be inserted in the second edition, should one be called for ; it may be mentioned here that marriage as a *permanent* tie is not an institution of Hindu Malabar, except among the Brahmins; hence the words "husband" and "wife" must be taken in an accommodated sense, and the children speak more of their "uncle" than of their "father."

☞ The student should notice that square brackets [ ] shew words not in the original. The curved brackets ( ) are used for parenthetical clauses.

In the notes A=Arabic ; P=Persian ; H=Hindustani ; E=English ; and so on.

N. B.—It is requested that the following corrections may be made before the book is used. Those marked * shew that similar mistakes should be corrected throughout the book. The lines are numbered from the beginning of each 'Arzi.

'Arzi	Line	For	Read
1	1	*Ârzi..	*'Arzi
3	Note 6	Native	Uncovenanted
		European	Covenanted
14	Line 2	As my	As since my
„	„ 5	there. I beg in forwarding therefore, the	there, I beg therefore in forwarding the
18	Note 2	A.—dafa repulse, with (P. personal affix)	(A. *dafa*=repulse with *dár*. P. personal affix)
24	Line 6	*rupees 375	*375 rupees
48	„ 16	order ; providing	order providing
56	„ 22	manner. I	manner—I
57	„ 15	and protect	and [that your honour will] protect
58	Note	(1) See Appendix E.	(1) Or rather "who is cohabiting with"
60	Line 25	sowing the crop (sic) I have grown	reaping the crop I have sown
62	„ 19	trials	trial is
64	„ 17	the Chámí	the said Chámí
70	Note		(This note should have been appended to 'Arzi 33)
78	„	the cocoanut trees	the cocoa-nut tree
83	9	(long)	[long]
„	10-12	(said)	[said]
„	11	(to the goddess)	[to the goddess]
„	31	(the coyxt)	[the court]
84	9	the possession	confirming to him the possession
85	11	Teyyuṇṇi, that	Teyyuṇṇi. That
90	3	Upon	As upon
„	4	*Rupees fifty	*fifty rupees
91	6	the decree [the above] appeal	the above appeal-decree
93	6 etc.	road	way
97	13	fact, that	fact that
98	7	threw	thrown
„	20	management, not	management not
Page 73	17	my	this
76	4	adjudged, a	adjudged a
„	21	pointing	was pointing
„	23	admitted, and fined	admitted, fined
77	34	of the Police Amín and of the Munsif of Tellicherry who conducted the preliminary enquiries, and of the officials.	by the Police Amin (who conducted the preliminary enquiries) of the Munsif of Tellicherry, and of the officials.
Appendix B		*Janmikkáran	*Janmi or Janmakkáran
„ C		of a jungle land,	of jungle land,
„ „		cleaning	clearing
„ „		till	if
„ „		No. 61	No. 60
„ E			The laws of marriage.

TRANSLATION

OF A

SELECTION

OF

MALAYALAM ÁRZIS,

BY

L. GARTHWAITE.

PART I.—REVENUE AND MISCELLANEOUS PETITIONS.

(1.)

To

The presence of

G. A. BALLARD, Esq.,

Collector of the *Malabar Zilla*.(1)

The Árzi(2) submitted by the English Record-keeper.

Kanṭa Kuṭṭi, a tender, doing duty in the record [room] has applied for fifteen days' leave on [appointment of a] substitute from Saturday, the 3rd of this December, to proceed to Guruváyúr and return. As it is true that he should start for Guruváyúr, I [beg to] represent this circumstance in order that he may be granted fifteen days' leave in compliance with his application. [Thus] written on the 1st of the month of December 1864.

(1) Arabic *Zilá*, division, district;—in India, the district under a Collector.

(2) Arabic—Árzi—literally a petition—but the natives of India call any letters they address to a superior an Árzi.

(2.)

To

[1]G. A. BALLARD, Esq.,

Collector of *Malabar.*

Árzi submitted by Dorobji Mánakji for Frámji Nassrawánji,[2] who has taken the Abkári[3] farm of the Calicut[4] tálúq.[5]

I [hereby] apply for the grant of a permit to pass to the said farm on receipt of the proper customs duty due to Government, 200 dozens of brandy shipped from Mahé for sale, and landed and kept at the custom house at Calicut.

4th November 1864.

(3.)

To

— WALHOUSE, Esq.,

Collector of the *Malabar Zilla.*

Árzi submitted by Ráman, Táhsildár[6] of the *Calicut* tálúq.[7]

Kuññi Kóman Nayar, Sheristádár,[8] mentioned in the order No. 20, dated the 14th January, entered upon his duties on the 19th of this January. I therefore [beg to] report [this] fact. [Thus] written on the 20th day of the month of January in the year 1864 at[9] Chéváyúr.

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(1) Lit. to the presence of. (This remark applies to all the subsequent similar Árzis.)

(2) These are Parsi names.

(3) P. Áb-water (strong waters), (Kári, making) = Distillation of spirits, liquor monopoly.

(4) *Properly,* Kózhikkóṭŭ.

(5) A sub-division of a Zilla or Collectorate.

(6) Táhsildár (A.—*Tahsil*-collection) the chief Native Revenue Collector under the European Collector. The Head Revenue Officer of a Tálúq.

(7) Tálúq. (A.—dependence) a division of a Collectorate. Malabar consists of nine Tálúqs.

(8) Serishtádár. (P.—*sar*-head ; *rashta,* a line or thread ; hence, Sarrashta-register, record).—The Manager of an Office.—The Tálúq Serishtádár is next in rank to the Tahsildár.

(9) Literally.—From.

(4.)

To

(G. A.) BALLARD, Esq.,

Collector of the *Malabar Zilla.*

Árzi written by Ráman, Táhsildár of the *Calicut tálúq.* The order No. 17, dated the 12th January, has arrived.

As a report in No. 5, was forwarded on the 9th January in the matter of the planks of teakwood, mentioned therein, this fact is reported.(1) [Thus] written on the 15th day of the month of January in the year 1864.

(5.)

To

G. A. BALLARD, Esq.,

Collector of the *Malabar Zilla.*

Árzi written by Perumal Pilla, Acting Sub Magistrate of *Tellicherry.*

The order issued in No. 163, dated the 15th August and the license therewith accompanying, have arrived.

The license has been given to Tayyil Kuññikaṇṇan. The license which was previously granted to him and which he has now produced, is herewith returned and the fact reported.

19*th August* 1864.

(6.)

To

THE MALABAR COLLECTOR'S OFFICE.

That which is represented by the District Munsif(2) of Érnáṭŭ [is as follows.]

Transmitting herewith for the purpose of being put(3) up at that office, a notification written concerning the attachment of a defendant's property, [said attachment being] in satisfaction of the decree in the case No. 544 of 1862 on the file of this court, I [beg to] report [this] fact. Written on the 11th November 1864.(4)

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(1) *i. e.,* "I have the honour to state, that a report on the matter has already been forwarded."

(2) A.—*Munsif,* lit. equitable, just,—an Uncovenanted Civil Judge whose limit of jurisdiction varies from 100 to 1,000 rupees.

(3) [Lit. fixed, affixed].

(4) (The above reads a little roughly, but is a literal translation of the original).

(7.)

To

THE MALABAR COLLECTOR'S OFFICE.

That which is represented by the District Munsif of *Payyanáṭŭ* [is as follows.]

I send herewith for the purpose of being put up at that office under section 249 of Act No. VIII of 1859, a notification written concerning the intended sale of the defendant's property [said sale being] in execution of the decree in case No. 1354 of 1860, on the file of this court. [Thus] written on the 9th November 1864.

(8.)

To

THE MALABAR COLLECTOR'S OFFICE.

That which is represented by the District Munsif of *Veṭṭattunáṭŭ* [is as follows.]

I send herewith for the purpose of being dealt with under the provisions of Section 249 of Act No. VIII of 1859, four copies of the notifications prepared for the sale of lands in satisfaction of the decrees in Cases Nos. 2 of 62, 1072 of 62, 230 of 64, and 304 of 64, on the file of this Court.

10*th December* 1864.

(9.)

To

G. A. BALLARD, Esq.,

Collector of the *Malabar Zilla.*

Árzi written by Ráman, Táhsildár of the *Calicut tálúq.*

Surveyors: 1 Śéshan Paṭṭar, 2 Krishṇa Paṭṭar, 3 Upéndra Séṇáyi, who are mentioned in the order No. 22, under date the 14th January, were directed to appear before you [your presence] and were sent from this place on the 16th. I therefore [beg to] report this fact. [Thus] written on the 18th January in the year 1864.

(10.)

To

G. A. BALLARD, Esq.,

Collector of the *Malabar Zilla.*

Representation[1] by Kónti Ménón, Acting Clerk in the Government Timber Depôt at *Kalláyi.*

In accordance with the order No. 197, relating to [various] petty matters, dated the 2nd Instant, having found all the timber, bamboos and records at Kalláyi correct according to the list, and having properly delivered charge of the timber and bamboos to the watch peon,[2] I have kept the records myself. I therefore [beg to] report this circumstance. [Thus] written on the 6th December 1864.

(11.)

To

G. A. BALLARD, Esq.,

Collector of the *Malabar Zilla.*

Report written by Ráman, Táhsildár of the *Calicut tálúq.*

As stated in Order No. 161, dated the 23rd June, I have appointed in the room of Guḍu, (a peon of this tálúq) Kayampaḷḷi Krishṇan Nâyar, who lost his post as peon to the Head Magistrate[3] on the recent revision of establishments. I therefore beg to report this fact. [Thus] written on the 9th July 1864.

(12.)

To

G. A. BALLARD, Esq.,

Collector of *Malabar.*

Representation by Ráman Paṭṭar of *Tekké Maṭham* in *Trikkkávŭ,* Darkást[4] Writer at the Ponnáni custom-house.

Yesterday the 18th December, I received and was apprized of the

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(1) Lit. (That which is represented) as before.

(2) An Anglo-Indian word applied to porters, messengers, constables, &c. They generally wear a belt across the shoulder—to which belt is attached a metal badge.

(3) The Head Collector and Magistrate.

(4) Darkást—here a bill of goods to be shipped. (P.—*Darkh wast,* a petition, statement; from *dar* in; and *Khwast* request). In Árzi 21 it is used for a "tender."

notice, requiring the production on the 23rd Instant of the Doctor's Certificate, which I am required to produce at the examination.

On the 18th Instant, I obtained the Certificate from the Doctor stationed at Calicut and produced it at the Huzúr office through Viṭṭaḷa Kiṇi, Head Accountant in the Huzúr, and therefore beg to represent this circumstance to your presence.

19*th December* 1864.

(13.)

To

G. A. BALLARD, Esq.,

Collector of *Malabar*.

Árzi written by Rámạn, Táhsildár of the *Calicut tálúq*.

The Order of the 12th Instant, No. 14, has arrived.

2nd Gumashṭa(1) Krishṇa Ménón, still requests that he may have two months' leave, and after hearing the causes which necessitate it and (considering) the time necessary for it, it appears to me that not less than that will be required.

As the duties, which this Gumashṭa conducts, may be managed without inconvenience by Rámuṇṇi, 2nd Revenue Inspector, I represent the circumstance. (Thus) written on the 15th day of the month of January 1864.

(14.)

To

— WALHOUSE, Esq.,

Acting Collector of the *Malabar Zilla*.

Árzi written by Ráman, Táhsildár of the *Calicut tálúq*.

As my informing Súrya Náráyaṇa Ayyan, Gumashṭa, (by means of an order) of the contents of the order No. 53, under date the 11th instant, a report has come from him, stating that he was setting out yesterday, Sunday, for the Ponnáni tálúq, to appear there. I beg in forwarding therefore, the report herewith, to represent this fact.

1*st February* 1864.

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(1) P.—Gumashṭa (lit. an agent, factor, but generally) any native accountant or clerk.

(15.)

To

THE CALICUT TÁLÚQ KACHCHERI.

Representation by Śúrya Náráyaṇa Ayyan, Gumashṭa.

I received at 9 A. M. on the 14th, Sunday, the order issued from the tálúq Kachcheri, under date the 13th, enclosing the order of the Huzur, dated the 11th February, No. 53.

As it appears from the order that I am transferred to Ponnáni, I beg to report that I am accordingly proceeding this very day to the Ponnáni tálúq to present myself there.

14th February 1864.

(16.)

To

G. A. BALLARD, Esq.,
Collector of *Malabar*.

Árzi submitted by Rámuṇṇi, Sub-Magistrate of *Cannanore*, and by Kaṇṇa Kuruppŭ, Cash-keeper.

Krishṇa Ayyan, 2nd Accountant in this Treasury, requests us to recommend him for promotion to one of the new [currency] note appointments(1) about to be made at Calicut.

As that person is a clever writer and accountant, has passed the Uncovenanted Civil Service Examination, and is acquainted with English, we, therefore, in accordance with his request, and on account of his qualifications make [this] recommendation according to this report.

26th October 1864.

(17.)

To

G. A. BALLARD, Esq.,
Collector of *Malabar*.

Árzi from Ráman, Táhsildár of the *Calicut tálúq*.

The period of one month's leave on account of fever, granted from the 19th May last, conditionally on the appointment of a substitute named Paruṭṭoḷi Cháttu (a volunteer) to Toṭṭaśśéri Uṇṇiri Náyar, Peon of this tálúq, expired with the 28th day of this month.

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(1) *i. e.*, Appointments in the establishment for the issue of the new currency-note.

He reports that his illness remains the same, and that it is necessary that an extension of leave be given him for fifteen days. As I know it to be true that Uṇṇiri Náyar is ill, I beg to report this circumstance to the end that you may issue an order to allow him additional leave for fifteen days, and to retain the aforesaid substitute in compliance with his request.

30th June 1864.

(18.)

To

G. A. BALLARD, Esq.,

Collector of *Malabar*.

Report(3) from Ráman, Táhsildár of the *Calicut tálúq*.

I having issued the necessary instructions to Uzhutra Váriyar, 3rd Revenue Inspector, and to the Adhikáris(1) of the amśams of Keṭavúrŭ Kuṭattáyi, Kundamangalam, Nagaram, Kasavŭ Kachcheri, Eṭakkáṭṭŭ and Elattúr, to provide and supply the necessary articles, &c., on the arrival within the limits of this tálúq of the Pioneer Corps, mentioned in the order No. 83, dated the 10th instant, and I sent the Dafadár(2) and Peons, and caused them to make ready and supply all things they [the corps] required, and to have them conveyed without inconvenience or delay across the limits of this tálúq.

18th March 1864.

(19.)

To

— WALHOUSE, Esq.,

Collector of *Malabar*.

Report(3) from Ráman, Táhsildár of the *Calicut tálúq*.

I have notified by an order to Koman, Adhikári of the Mangalam amśam [mentioned] in the order No. 35, dated the 28th January last, that he is suspended from his office for three months.

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(1) Adhikári.—An officer entrusted with the collection of the revenue of an amśam, *i. e.*, a hamlet or township—one of the divisions of a tálúq. He is also a Village Magistrate, and can decide civil cases to the value of Rs. 10.

(2) A.—dafá repulse, with (P. personal affix) the head of a detachment of constables or peons; a chief peon.

(3) Lit. " Árzi written by." This note to be understood in all following similar headings.

As the present is a time, when there is a great pressure of work, such as the collection of money [*i. e.*, revenue] I have temporarily employed Úḷḷáṭṭil Náráyaṇan, (who is a resident of the amśam and is competent to conduct the duties of the Adhikáriship) from the 1st February, and I am getting him to transact the business. I therefore beg to report the circumstance to the end that you may issue an order approving [of this appointment].

3*rd February* 1864.

(20.)

To

G. A. BALLARD, Esq.,

Collector of *Malabar.*

Report from Chúriyayi Ráman, Tahsildár of the *Calicut tálúq.*

As I have temporarily appointed to the office of the Adhikári of Koppam amśam (who has been suspended for one year under order No. 44, Magisterial Department, dated the 9th instant) Párakkal Śankara Ménón, who is a resident in that amśam and is competent to conduct the business and have [meanwhile] ordered him to discharge the duties, I beg to report this circumstance in order that you may issue an order that the said Śankara Ménón be employed as Adhikári for the period of one year.

20*th May* 1864.

(21.)

To

G. A. BALLARD, Esq.,

Collector of *Malabar.*

Report from Subráya Mutaliyár, 2nd Class Subordinate Magistrate of *Calicut.*

Order No. 172, (Miscellaneous) dated the 8th September, came to hand yesterday.

As stated therein, I have given notice by beat of drum at such places and bazaars as Kalláyí Kúṭṭankal, &c., where persons of the [required] description are to be found to the effect, that if there are persons willing to make a tender for the work of carrying the Government timber and logs from the water to the shore, they may appear before your presence and make a tender for the same. I therefore report the fact.

1*st September* 1864.

(22.)

To

G. A. BALLARD, Esq.,

Collector of the *Malabar Zilla.*

Report written by Śankara Márár, Acting Serishtadár in the Sub-Collector's Office.

The endorsement of the Assistant on the letter of the Sessions Court of Tellicherry requiring the preparation and submission of a list of persons required to serve as jurors or assessors in that Court in the year 1865, has arrived.

I forward herewith a list and four notices prepared, showing the names of the said assessors, and I beg to state that these should be signed and sealed and the list and a notice forwarded to the Sessions Court and the [remaining] three notices to this place. Thus written on the 22nd day of the month of December 1864, Tellicherry.

(23.)

To

G. A. BALLARD, Esq.,

Collector of *Malabar.*

Report written by Kóman Náyar, Serishtadár of the *Calicut tálúq.*

At the places of this tálúq, at which the 13th and 44th Regiments (referred to in the order No. 134 of the 29th May last) arrived and halted ; and at other places, I caused to be prepared and supplied all the articles, carts, &c., they required and got boats and jangárs[1] ready for them at the ferry without any delay or inconvenience, and had them conveyed across the limits of this tálúq. I beg to report this fact.

7th June 1864.

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(1) (Malayalam) Changáṭam=two boats joined together, with a platform laid across. This is used for the conveyance of cattle, carts, &c.

(24.)

To

G. A. BALLARD, Esq.,

Collector of the *Malabar Zilla.*

Report from Ráman, Tahsildár of the *Calicut tálúq.*

Order No. 168, Account Department, dated the 30th June last, has reached me.

The account of money collected for two instalments from the two persons, Aṭichchikkáṭṭŭ Ráman and another, who have taken the lease of Mámmaḷi and other ferry monopolies, is exactly rupees 375 as stated in the order.

But it appears that owing to the carelessness of Gumasta Ráman Ménón, that amount was stated in report No. 126, to be rupees 275, and the amount to be collected for two instalments from Kallinkal Rárichchan, the contractor of Elattúr ferry bridge to be 115. I therefore beg to report this circumstance.

3rd July 1864.

(25.)

To

G. A. BALLARD, Esq.,

Collector of *Malabar.*

Report from Ráman, Tahsildár of the *Calicut tálúq.*

Having temporarily employed Kollattŭ Karuṇákara Ménón, in the office of the Iringgallúr amśam Accountant, mentioned in order No. 15 of the 12th instant, and now in prison for a certain criminal(1) offence, I am getting him [the said K. K. M.] to conduct the business [of the aforesaid office].

I have made this temporary appointment from the 6th January 1864 as aforesaid, as in consequence of there being no accountant in that amśam, there has been an impediment to the despatch of business. I request that you will issue an order to sanction [this appointment].

18*th January* 1864.

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(1) *Lit.*: (who has become liable to police punishment).

(26.)

To

G. A. BALLARD, Esq.,
Collector of *Malabar*.

Report submitted by Punnóḷi Kómu Ménón, Clerk in the *Huzúr*.

You have already given me two months' privilege leave for medical treatment (is it not [so]?). The treatment is now over, and [I am] partially recovered. I am now taking some medicine, the time prescribed for which has not expired. As an additional period of fifteen days is required for the completion of that [course] and for my return to duty, I request that your honor will be kind enough to grant me an extension of leave for fifteen days.

29th August 1864.

(27.)

To

G. A. BALLARD, Esq.,
Collector of the District of *Malabar*.

Report made by Chúriyayi Kaṇári Gumasta, doing duty under Mr. Hewetson, Deputy Collector.

I have urgent need of one and a half months' leave to proceed to my native place for the purpose of seeing [my] children [or family] and performing certain ceremonies and returning.

I have not taken privilege leave during the last two years. As this is the first time that I apply [for leave] since the issue of the rule prohibiting the granting of privilege leave for more than one month, and as I have not taken privilege leave for two years [past] I request that you will consent to grant (me) leave for one month and a half.

22nd December 1864.

(28.)

To

G. A. BALLARD, Esq.,

Collector of *Malabar*.

From

RÁMAN, Tahsildár of the *Calicut tálúq*.

No letter such as is mentioned in order No. 166, dated the 25th instant has come from the Érnáṭŭ tálúq,[1] calling upon me to send the two individuals Aṭichchikkáṭṭŭ Ráman and another, who have taken the ferry monopoly of that tálúq, together with the amount of money for two instalments. But as Ráman was present at this tálúq for the purpose of some other matter, I questioned him in reference to this matter, whereupon he has stated, that the amount of two instalments to be deposited in the Érnáṭŭ tálúq,[1] has been forwarded by the hand of his partner Kálúnṟe Akattŭ Báváchchi, and that it is likely that the amount will have reached (the tálúq)[1] by this time. As I shall be prepared to take the necessary steps after ascertaining whether the money has or has not been paid into the Érnáṭŭ tálúq,[1] I beg to report this circumstance also.

28th June 1864.

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(1) 'Kacheri' or 'Treasury' understood.

PART II.

MAGISTERIAL PETITIONS.

(29.)*

To

G. A. BALLARD, Esq.,

District Magistrate of *Malabar*.

From

RÁMUṆṆI MÁRÁR, 1st Class Subordinate Magistrate,

Érnáṭŭ tálúq.

Order No. 118 of the 4th instant, has been received.

I accordingly ordered the Adhikári of Azhiññili amśam to inform Vaṭakke Víṭṭil Mammatŭkuṭṭi and four others that they could see and speak to Iṭṭappuṛattŭ Vaṭakke Viṭṭil Ismael, the 11th prisoner of case No. 183 of the Sessions of 1865, and that the Adhikári has, in reply, reported that he has duly informed them. This circumstance is therefore reported for your information.

26*th December* 1865.

(30.)

To

G. A. BALLARD, Esq.,

District Magistrate of *Malabar.*

From

RÁMUṆṆI MÁRÁR, 1st Class Subordinate Magistrate,

Érnáṭŭ tálúq.

† As from the reports of the Adhikári of Kizhumuṛi amśam, and the depositions of the relatives of the deceased and of the physician, it

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* *Note by the Translator.*—From this number, the translations become less and less literal. The student will find it a useful exercise to translate them back into Malayalam.

† *Note.*—An Englishman would write :—"I have the honor to report that it appears from the reports of the etc. that on the night of the 4th instant, a certain boy named etc. fell into such and such a well, and was drowned, and that there appear no grounds, etc." But the Malayalam prefer putting the whole substance of the letter as an "illative clause" to which "I report the circumstance," stand as the "consequence" or "principal sentence."

appears that on the night of the 4th instant, a boy named Kuṭṭiyáli, aged 14, the son of Kózhikkóṭan Ismael, while going to the house of Páṇakkáṭṭŭ Aṛṛŭ Kóya in the Kizhumuṛi amśam of this tálúq, to attend a ceremony performed there, accidentally fell into a well in the Kaḷḷaṛamaṇṇu Parampu, and was drowned, and that there is no grounds for suspicion [that he met his death] in any other way, I beg to report the circumstance.

20*th December* 1865.

(31.)

To

G. A. BALLARD, Esq.,
District Magistrate of *Malabar*.

From

CHÁTTU MÉNÓN, Acting 2nd Class Subordinate Magistrate of the *Calicut tálúq*.

As the police of the Chevváyúr station, on their seeing that the madman named Póla Vengga Krishṇan Náyar (who was sent with my report No. 140 of the 26th September last, for your inspection) had for nearly ten days had a more violent fit of insanity, and was causing annoyance to the public, arrested him and brought him before this Court, and as I see that he is really mad and does cause annoyance to the public, I have sent him herewith in order that an order may be made to have him taken to the hospital and treated.

2. There are no relatives [of this man] in any place comprised in this tálúq; they are in the Eṭakkara amśam, of the Kuṛumpranáṭu tálúq.

* As the particulars regarding the madness are the same as those shown in the list sent with my report No. 140, I beg to represent this circumstance.

1*st December* 1865.

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* The causal connexion shown by "koṇṭŭ" is quite uncalled for, and was evidently put in merely to round off the ending of the letter. See Note to previous Árzi.

(32.)

To

G. A. BALLARD, Esq.,
District Magistrate of *Malabar*.

From

RÁMUṆṆI MÁRÁR, 1st Class Subordinate Magistrate
of the *Érnáṭṫ tálúq*.

As it appears from the reports of the Adhikári of Chíkkóṭu amśam, and from the depositions (taken by the Adhikári) of the relatives of the deceased and of the native physician, that on the evening of the 24th December at six o'clock, a man named Ampáyattóṭiyil Ayappan, (residing at Chálil in the Viḷayil désam of Chikkóṭu amśam within the limits of this Court), while in his usual occupation drawing toddy from a palmyra tree, accidentally [fell from the tree] and was hurt [*lit.* : bruised], and was [*lit.* : became] unable to speak, and died the same night from the effects of the fall, I beg to report the circumstances.

21*st December* 1865.

(33.)

To

THE JOINT MAGISTRATE
Of *Malabar*.

Petition presented by Rámaswámi Paṭṭar, residing in Kizhak-kumpuṟam of Koppam amśam, *Pálakkáṭṫ tálúq*.

It is now eighteen days since a license for [making and] selling gun-powder was granted to me. As I have no sulphur, I have had to stop work, and the people who come for gun-powder have to return [without it.] I am also hindered by not getting permission to sell the eleven and odd tuláms(1) of gun-powder now in stock. As all this causes me much inconvenience, I beg to request that orders may be issued without delay for giving me two tuláms of sulphur for present use, and for the sale of the eleven and odd tuláms of powder in stock.

23*rd Dhanu* 1036.

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(1) Tulám—a Malabar weight of about 16 lbs.

(34.)

To

THE MALABAR DISTRICT MAGISTRATE'S COURT.

The complaint (under Act 13 of 1859) of Vakíl Moyṭín Kuṭṭi for Subrahmaṇya Ayyan, plaintiff, residing in the Qasba[1] amśam of the *Calicut tálúq*, against Krishṇa Paṭṭar, residing in the Nagaram amśam.

1. The above defendant failed to execute a contract which he made [with the plaintiff] on the 15th November 1865, and on which he took Rs. 15 advance ; [the said contract being to the effect] that he should within the 15th of December 1865, repair, paint, and line with leather, a coach belonging to the plaintiff.

2. I therefore request that according to the above Act, an order may be issued for summoning and examining the defendant, and for giving him such punishment as is awardable for breach of contract. I have presented herewith the above-mentioned contract on unstamped paper.

8*th December* 1865.

(35.)

To

THE MALABAR HEAD ASSISTANT MAGISTRATE'S
(*i. e.*, JOINT MAGISTRATE'S) COURT.

The petition presented by Ízhuvan Títtan, residing in the Putiśśéri amśam and déśam,[2] *Pálakkáṭŭ tálúq*.

When (in accordance with my request in the previous petition which I presented to your honor against Chámi, son of Kaṛuppan, and others of the said amśam and déśam) his worship the Táhsildár came from the tálúq to that (*sic*) place and conducted an enquiry, the witnesses who were to give evidence on my side in this matter had gone to various places, and I myself also had no means to maintain myself while going and attending to give evidence before your honor. I therefore request that your honor will have the goodness to dismiss the complaint.

10*th Éṭavam* 1036.

(1) Qasba. A = a small town. (2) Déśam—a division of an amśam.

(36.)

To

THE MALABAR MAGISTRATE'S COURT.

The petition of Subrahmaṇya Ayyan, residing in the Qasba amśam and déśam of the *Calicut tálúq*.

As Ammatŭkuṭṭi, of the Béppúrŭ amśam and déśam of the said tálúq, did not fulfil the contract he made with me to come and saw timber in Mr. Brown's plantation of Púkkóṭṭŭ in Vayittiri, Vayanáṭŭ or elsewhere, I filed a complaint in this Court on the 6th June 1865 against the said defendant, and he was brought up and examined, and judgment was given against him, and a space of twenty days from the 12th June was allowed him [to fulfil his contract.] To-day being the 18th July, sixteen days more have elapsed since the time allowed in accordance with the order. As the defendant has not performed any of the work he was ordered to do, I request that the Court will award the defendant punishment for breach of contract and will cause him to do the work according to the contract.

18*th July* 1865.

(37.)

To

THE JOINT MAGISTRATE'S COURT.

The petition presented by 1, Kaṛuvan; and 2, Mádhavan, residing in the Akattetaṛa amśam and déśam, *Pálakkáṭŭ tálúq*.

Although we have many times told the Adhikári that in consequence of there being tamarind and other trees near [*lit.* : in] the houses next our houses and on their boundaries, if those trees were to fall down; our houses, etc., would be injured; [and told him] therefore to have those trees cut down, and [also told him] that the roads of the said déśam were so narrow that it had in general become impossible for carts, etc., to go on them,—he has neither had the trees cut down nor the roads made such as to allow of their being used with convenience. We therefore request that you will do us the favor of giving orders that those trees should be cut down, and the roads made such as to be useable with convenience.

28*th Éṭavam* 1036.

(38.)

To

THE MALABAR HEAD ASST. MAGISTRATE'S COURT.

The petition presented by Mússánkuṭṭi, residing in the Eramáyúr amśam and déśam, *Pálakkáṭṭŭ tálúq.*

As I have heard that this Court has considered and decided the appeal petition presented by Assan to the Court of the Joint Magistrate against the order which the Head Police Officer of the Temmalappuṟam tálúq passed in the case of the petitions presented by me and Assan respectively in regard to my having put up a gate on the eastern side of my premises, I request that the Court will have the goodness to issue an order that a copy of the abovesaid order on stamped paper with the signature and seal of the Court attached may be granted me, as I wish after seeing the said decree to appeal to a higher court.

22nd Tulám 1037.

(39.)

To

THE MALABAR HEAD ASST. MAGISTRATE'S COURT.

The petition of Subrahmaṇyan Paṭṭar, plaintiff in appeal No. 60 of 1861.

As I was dissatisfied with the decision of the Álattúrŭ Sub-Magistrate, concerning the right of cultivating a piece of land (of 66 paras)(1) called Kúṭṭálapáṭam, my property, I appealed to this Court. It will be remembered [*lit.*: is it not ?] that the Court reversed the decision of the Sub-Magistrate in the above case, and ordered that I should cultivate the land, etc.

Now since I, and the defendant in the appeal Náráyaṇan, have consulted together through arbitrators and have settled that the defendant may cultivate the disputed 66 paras of land for the 2,800

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(1) Paṟa—a measure of capacity, for grain, etc. A piece of land of so many 'paṟas' means a piece of land on which so many 'paṟas' of grain can be sown.

new fanams(2) mentioned in the former deed, and shall at the proper times give in lieu of principal and interest 120 paras of paddy, to which terms I have agreed and have thus finally disposed of the matter, and therefore beg that an order may be issued to remove the abovesaid appeal No. 60, from the file.

4th December 1861.

(40.)

To

THE MALABAR MAGISTRATE'S COURT.

The complaint (under Act 13 of 1859) of Kunnummal Cháttu, plaintiff of the Nagaram amśam, *Calicut tálúq*, against Muḷḷankaṇṭi Kuññi Pokkan of Parappanáṭṭŭ in the Panniyamkara amśam, of the said tálúq.

On the 21st of the month of Tulám 1040, I made a contract on stamped paper with the above defendant that he should for the hire and with the two tuláms of bell-metal together with wastage which I [then] gave him, make and deliver within thirty days, eight lamps with stands. As I am suffering great loss and inconvenience in consequence of the defendant not having delivered the goods from the time he left me (*sic*) up to this time, I pray that the Court will protect me; and on perusing the contract herewith presented, will be good enough to bring up the defendant and the witnesses named in the contract, and get back my money for me, and inflict due punishment on the defendant who has broken his contract.

9th Kaṛkkiṭakam 1040.

(41.)

To

THE MALABAR DISTRICT MAGISTRATE'S COURT.

Complaint under Section 490 of the Indian Penal Code by Krishṇa Ménón, plaintiff on behalf of William Clive, Esq., of *Calicut*, Agent of the Victoria Coffee Company, against Rámutti of Vaṭakkara amśam and désam, *Kuṛumpranáṭŭ tálúq*.

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(2) A "new fanam" is a ¼ rupee, and = 6*d*.

The defendant has not up to this time fulfilled any part of the contract executed by him on the 15th of March 1865, to the effect that he would within the 31st May 1865, dig (for the plaintiff) on the Kalpátti plantation belonging to the said Company, 10,000 pits, (each two feet square) for planting young coffee trees in,—the rate to be Rs. 15 per 1,000; on which contract, defendant received Rs. 70 in advance.

I therefore request that you will bring up the defendant and examine him, and award such punishment for his breach of contract as is laid down in the above section.

23rd August 1865.

(42.)

To

THE MALABAR JOINT MAGISTRATE'S COURT.

The humble petition of Kaṇṭankuṭṭi, residing in the Kunnanúr désam in the Yákkara amśam, against 1, Venkaṭayyan; and 2, Subbayyan, sons of Carpenter Kaḷḷan Subrahmaṇyan of Páṛayil désam of Elappaḷḷi amśam.

In reference to the mutual agreement which,—after my filing a complaint in your honor's Court,—was come to between the defendants and myself to the effect that the defendants should deliver the stones and reimburse me money on account of my having suffered much loss and the work at the tank being stopped, because the above defendants (after coming to a former mutual agreement, which was the result of my filing a suit last Méṭam against them according to our contract) did not bring over and deliver the stones, I beg to request that as I require a copy of the agreement last come to, a copy may be taken at once and I may be favored with the same.

4th Makaram 1036.

(43.)

To

THE CALICUT DEPUTY MAGISTRATE'S COURT.

The petition of Kéḷappan of the Nagaram amśam, *Calicut tálúq.*

I and Purapprattŭ Chantúṭṭi of Cheṛayil désam and Oḷakara amśam,

Érnáṭŭ tálúq, on the 17th November 1864, executed a contract to the effect that [he] the defendant should deliver to me on the 30th November 1864 fifteen loads, and on the 30th Dhanu 1040, seven loads of dry ginger, @ Rs. 59 per load, and up to that date I paid the defendant Rs. 500, cash.

Since then the defendant has not fulfilled, but has deliberately broken his contract, and failed in it; and I therefore request that your honor will (according to Act 13 of 1859) summon the defendant and the witnesses, I shall then produce, and examine them, and recover for me the goods (according to the contract,) and the loss I have sustained, and also award [suitable] punishment to the defendant.

24th April 1865.

(44.)

To

THE MALABAR DEPUTY MAGISTRATE'S COURT.

The petition of Ummaṛ Khán, residing at *Calicut*.

The Head Serishtadár of the Huzúr Court having a year and a half ago given me to get repaired a watch (worth forty rupees,) which was a little out of order, I gave it to Thomas (who lives in the Nagaram amśam, a man skilled in such work) to be repaired, and settled a week as the time for its being returned. But since then, whenever I ask him [for the watch] he only says: "Oh, I will give it to you," but has never repaired and returned it.

As, on considering the fact that in spite of this great delay (*sic*), he has not yet returned the watch, there is reason [to fear] that he may have appropriated it—I request that [the Court] will summon the said person and the witnesses I shall produce at the examination, and examine them, and give me redress.

July 1865.

(45.)

HIS HIGHNESS THE ILLUSTRIOUS FIRST PRINCE,

[*lit.* : younger Rájá] of Pálakkóṭṭa, the Possessor of all good qualities, the Protector of all virtue [duties], the Delight of those who are his friends, presents his compliments to

P. GRANT, Esq.,

Magistrate of *Malabar*.

In reference to Our appeal (by attorney) in the month of Mithunam last to the Court of the Special Assistant Magistrate against the decision (dated 9th June 1860) of the Vaḷḷuvanáṭŭ tálúq Magistrate, in the matter of a female elephant caught [*lit.* : which fell in a pit] in the wood called "Black Hole" on the preserved jungle of Kalláṛu, near Our [estate of] Vánampáṭi in the Arakkuṛiśśi amśam, Vaḷḷuvanáṭŭ tálúq, We draw your attention to the fact that no decision has yet been given although We have been expecting one for a whole year. On this account, and because if there be further delay in giving the decision, We shall not be able to raise the usual revenues from the above jungle and shall be exposed to pecuniary loss, We desire that you will either yourself without delay look into this appeal case and decide it, or else order the Assistant Magistrate to do so without delay.

24th Kaṛkkiṭakam 1036.

(46.)

To

THE COURT OF THE HEAD ASSIST. MAGISTRATE

Of *Malabar*.

The complaint of Rámáyi, son of Ízhuvan Támarapurakkal Uttaṉṭan, residing in the Elappaḷḷi amśam and déśam, *Pálakkáṭŭ tálúq*.

On the 28th Éṭavam, Kuḷḷan, son of Tírtthampáṭattŭ Pazhani Áṇṭi, made a false complaint to the Court that I had assaulted him in the Tachchampoṛṛa (seven paras of) land in the Paṭṭachchangkávu, which land I hold and cultivate. I have also come to know that on examining the witnesses, the case was dismissed as unproved. Now the Adhi-

kári of the above said amśam says :—" You have no right to enter that land; therefore receive the seed and the expenses of sowing it and give over the land,"[1] and when I said that I would not give over the land on his mere word and without an order from a superior court, the Adhikári says :—" I will commit you to the tálúq [court] with your hands handcuffed." I therefore request that your honor will be good enough to redress my grievance by issuing an order to the Adhikári that he should not molest me in this uncalled-for manner.

17*th Kaṛkkiṭakam* 1038.

(47.)

To

THE MALABAR JOINT MAGISTRATE'S COURT.

The petition presented by Kámákshi, residing in the Rámaśśéri déśam of the Vaḷḷattiri amśam, *Pálakkáṭŭ tálúq.*

Whilst Máṭampi Kompan, residing in the above amśam and déśam, was keeping me as his mistress, I became pregnant. After I became pregnant, the above said Kompan deserted me. When, upon this, I went to his house and begged him not to desert me, and told him that on this account the people of my own caste would not receive me, and that if he deserted me I would be in great distress and not be able to get food to eat [*lit.* : rice-gruel] or water to drink, he and his younger brothers and others joined together and assaulted me. I therefore urgently pray your honor to have the goodness to summon the said Máṭampi Kompan to your presence, and order him either not to desert me; or if [he] does not like that, to get from him something for my maintenance, and also to award him due punishment for his having assaulted me as abovesaid.

15*th Mínam.*

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(1) The system of land tenure in Malabar is peculiar and requires careful study to be thoroughly understood. See Appendix.

(48.)

To

THE HEAD ASSISTANT MAGISTRATE
Of *Malabar.*

The humble petition presented by Anantan Náyar, residing in the Veḷayam Chattanúrŭ amśam and déśam, *Pálakkáṭŭ tálúq.*

On the 20th of September last, a decision was given in the tálúq [Court] to the effect that the produce of certain trees in the garden attached to my house should belong to Kuñña Krishṇan my nephew, and Márkkaśśéri Kuppan Náyar, and I have appealed in the case. Though execution of the tálúq (Magistrate's) judgment has not been decreed, nor has my appeal case been decided, yet five or six days ago during my absence the said Kuñña Krishṇan and Kuppan Náyar entered into my garden, and plucked and took away seven cocoanuts, and to-day also they intend to come there and attempt to gather cocoanuts and cut plantains and take them away. I am much aggrieved by the said persons coming and taking away in this manner usufructs, of which I myself am in the enjoyment. I therefore request that the Court will have the goodness to redress my grievance and issue an order; providing that until the appeal is decided, the abovesaid parties shall not enter my compound and take away anything therefrom under the original judgment.

(49.)

To

THE MALABAR JOINT MAGISTRATE'S COURT.

The petition of Íśwara Paṭṭar, residing in the Chandraśékharapuram village of the Éṭattaṛa amśam, *Pálakkáṭŭ tálúq.*

On the 11th instant, I and others presented a petition for an order that we should be enabled to celebrate certain festivals, [*i. e.*, that police should be stationed to preserve order during the celebration] in the temple of "our lord" (*sic*) Chandraśékhara, but after an order was issued in answer to our petition, [no effect was given to the order, and] as the festivals could not be carried on, their celebration was put a stop to.

I intend to celebrate the festival at my private expense, on Tuesday the 18th instant, at the temple of Bhagavati ; on Friday the 21st at

the temple of Ganapati, and on Saturday the 22nd at the temple of Ayyappan, and to perform the observances of *Śástá Príti* and *Chatuś-śatam* and the *Neramála* procession. As it is necessary to take gold and silver vessels to the temples, and as there are many reports of robberies, &c., in various places, I request you to make the necessary arrangements and to give orders to the Adhikári of the above amśam [to take steps] to enable [us] to celebrate the festivals on the above-said days in the abovesaid places, without fear or disturbance.

15*th Makaram* 1036.

(50.)

To

THE MALABAR SPECIAL MAGISTRATE'S COURT.

The petition of Rayarappan Náyar, residing in the Chérakkapa-ṛampu désam, in the Palápúrŭ amśam, *Vaḷḷuvanáṭŭ tálúq*.

According to the order given to the Sub-Magistrate of this tálúq in reference to a complaint that the Adhikári and Ménón[1] of the above amśam had through the instrumentality of the [amśam] peon inflicted torture [on certain persons], I with my witnesses have been made to attend at the tálúq kachéri for the last ten days, but the witnesses have not been examined up to this date. On the Adhikári and Ménón,[1] with a view to prevent the investigation, trying to gain over some of my witnesses and others, some went over to their side, but others are still ready to speak [to what they know]. But as it is only before this Court that these witnesses will give true evidence, while before the tálúq Court, on account of the influence of the Adhikári and Ménón, they will not give true evidence, I pray that this Court will examine them before it, and ascertain the truth and redress my grievances. Moreover, on account of my being laid up and unable to walk, my eyes and general health being severely affected, by the torture I was subjected to, I am unable to attend and personally represent [these matters.]

3rd Éṭavam 1036.

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(1) Ménón. Mal. = accountant.

(51.)

To

G. A. BALLARD, Esq.,
District Magistrate of *Malabar.*

From

RÁMUṆṆI MÁRÁR, 1st Class Subordinate Magistrate
Of the *Érnáṭŭ tálúq.*

At eight o'clock in the morning of yesterday, the 19th, I received information that Páṛakkáṭṭŭ Unníri Náyar had dangerously wounded Cheṛiyamvíṭṭil Kuññi Krishṇan Náyar, by stabbing him with a table-knife ; that the Police Officer had forwarded the wounded man to the hospital at Malappuram, and that it was in the day-time the offence was committed. No report was received from the police ; still, as soon as the information reached me as above, I proceeded to Malappuram and took down the deposition of the wounded man who subsequently (*sic*) died yesterday evening at six o'clock. I shall make due enquiries into this matter and act according to the law. This circumstance is reported for your information.

20th December 1865.

As the Police Inspector has showed me the report which the officer in charge of the station sent to him on the 18th, the day on which the offence was committed, I learn that the prisoner as well as the knife with which the wound was inflicted, was seized at the very time. The officer in charge of the station-house has not yet sent in the Occurrence Report to this Court.

Dated as above.

(52.)

To

G. A. BALLARD, Esq.,
District Magistrate of *Malabar.*

From

RÁMUṆṆI MÁRÁR, 1st Class Subordinate Magistrate
Of the *Érnáṭŭ tálúq.*

In a letter from the 1st Class Subordinate Magistrate's Court of the *Vaḷḷuvanáṭŭ tálúq*, dated the 15th November and received on the 18th;

it is stated that an order came from your presence to the effect that prisoner Cháttólil Aliyassan, headman [of the amśam] who is required to give security on account of his bad character (*i. e.*, for bad behaviour) had named as his sureties: 1, Matári Mútta ; 2, Kizhakkumparampil Móyan of Kizhakketoṭi, and that they should, if competent and willing to be sureties, be sent up (to your Court) ; and the letter requests this Court to carry out the requisitions contained in the order, as the sureties named are persons residing within the jurisdiction of this Court.

As it appears from the answer this day received to the order issued on the 18th to the Adhikári of the Manchéri amśam, directing him to report whether the said individuals possess sufficient property and are competent to stand security to the amount of Rs. 150 each, that the said Móyan and Kuññoḷan, son of Mútta, proceeded to Calicut on the 18th November to furnish security, and that they have sufficient property and are fit persons to stand security, I beg to inform you of these particulars and to forward herewith the Adhikári's report.

21*st November* 1865.

(53.)

To

THE MALABAR DISTRICT MAGISTRATE'S COURT.

The petition of Nálámvíṭṭil Ráman, residing in the Qasba amśam and déśam, *Calicut tálúq*, against Abdarrahimán, residing at the Pánankantiparampŭ, in the said amśam and déśam.

On the 30th of Karkkiṭakam last, the abovesaid Abdarrahimán received from me six tuláms and twenty palams of bell-metal to be made into spittoons and delivered to me ; also Rs. 65-8-0 wages, at the rate of eight rupees per tulám, and further 62 palams of metal for wastage ; and [he] executed a contract (on stamped paper) to the effect that he would finish and deliver the said spittoons in three months, but the defendant has not yet finished the work [*lit.*: since he went away up to this date] and furthermore he has not returned me either the metal or even the money. When I ask him about it, he merely puts me off and says that he is going to give [them]. As I thus have just cause of complaint against the defendant, I request

that you will protect me and redress my grievance, by summoning the defendant and the witnesses I shall name at the time of enquiry, and examining them, and punishing the defendant for his breach of contract and making him give back my property.

13*th Kumbham* 1041.

P. S.—The contract which the defendant executed is herewith presented.

(54.)

To

THE COURT OF THE TÁLÚQ MAGISTRATE

Of *Pálakkáṭŭ.*

The complaint presented by Puttamvíttil Krishṇan Náyar, residing in the Pantaḷam amśam and déśam in the *Mávalkkara tálúq*, and now in the Kaṇṇérivíṭu of the Konggáṭŭ amśam and déśam.

I gave my two bullocks and a cow in charge of Kaṇṇéri Góvindan to take out to graze, and while the said Góvindan was grazing them on the Paṭikkal Paḷḷimattázha pasture land, 1, Máriyil Śanku Náyar; 2, his nephew Nánu Náyar; and 3, Achchutan, of the above amśam and déśam, came there and drove the cattle from the place where they were grazing and were taking them off to let them stray into the cultivated land, upon which the herdsman (Góvindan) went up and tried to prevent them, and then they gave him two or three blows; and on my hearing his cries, I went there when the defendants caught me and held me, while the 1st defendant dealt one of the bullocks a cut [and wounded it] on the back. I then drove the bullock to the house of the Adhikári; and as he was not there, I reported the fact to the police, when they told me that I should present a complaint to the tálúq [Magistrate]. I have also brought the bullock here. I request that the Court will call and examine the said defendants and (1) Cheritóṭi Náráyaṇan Náyar, (2) Veḷḷapuṛattu Śankaran, and others who witnessed the facts, and as the defendants have cut and wounded my bullock, [I request that the Court] will make such order (*i. e.,*) give such punishment) as will make them in future abstain from so offending.

26*th Dhanu* 1038.

(55.)

To

G. A. BALLARD, Esq.,

District Magistrate of *Malabar*.

From

CHÚRIYAYI RÁMÁN, Actg. 2nd Class Subordinate Magistrate,

Calicut tálúq.

1. Chólayil Nampu.
2. Pulpaṛampil Ayappúṭṭi.
3. Kuṛṛiyil Uṇṇi Achchumma.
4. Do. Ayammáṭú.
5. Eraṭṭattayil Chantappan.
6. Uṇṇíri, residing in Putiyaṭam.

In regard to the death of Kuṛṛiyil Mammattan, it appears, on examining the depositions of the persons entered in the margin, and the reports of the Manaśśéri amśam Adhikári, and from the enquiries made, that on his way back from the place where he had been to tie up and fit out timber rafts for the person No. 2, (in the margin) Mammattan was rowing the boat in which himself and the persons Nos. 1 and 2, were sitting, that on arriving at Oṭamaṇṇŭ Kaṭavŭ in the Iruvaliññi river in the Manaśśéri amśam at 4½ P. M., on the 30th June, one end of the boat struck against the end of a 'snag,' and the boat upset, filled with water, and sank, the persons Nos. 1 and 2 getting to shore by swimming, while Mammattan sank, and was carried away by the stream.

It also appears that Mammattan thus perished in consequence of there being at the time a great quantity of water and a strong current in the river; and it is believed that the non-discovery of the boat and the corpse (even on the search made by persons who subsequently arrived) is owing to the distance of the place to which they have probably been carried away.

Since, from the enquiries and examinations hitherto made, there appears no cause to presume otherwise than that the man's death happened accidentally as aforesaid, I beg to report the circumstances and forward the proceedings herewith.

26th September 1865.

(56.)

To

G. A. BALLARD, Esq.,

District Magistrate of *Malabar*.

From

RÁMUṆṆI MÁRÁR, 1st Class Subordinate Magistrate

Of the *Érnáṭŭ tálúq*.

As from the report of the Chíkkoṭŭ amśam Adhikári, dated the 18th December, and from the depositions (taken by the Adhikári and submitted to me) of Kalluveṭṭikuzhi Kunnampi and one Pá̤rakkal Pókkar, who on hearing a cry ran to the spot and picked up the undermentioned deceased, and who were with the deceased at the time he died, and [also from the deposition] of the native doctor who examined the body, and [from the depositions] of the relations of the deceased, and also from the memo. of the inquest held on the body, it appears that while Eṭaśśeri Unniyáttán, an inhabitant of the Chíkkóṭŭ amśam and déśam, was on the 16th December chopping off one of the big branches of a blackwood tree which had been felled from and was lying on the Pávaṭṭu hill in the Nelampúrŭ amśam, the piece of timber slipped and fell [*lit.* was overturned] and his right leg coming under the log and the end of one of the logs already cut striking against his leg, [all the foot] below the ankle was crushed and the bones broken ; [it appears] also that from the effects of the injuries and bruises which Uṇṇiyáttán so received, and while he was being conveyed thence, he died on the 17th in the boat on the river ; also that the log seems to have slipped and fallen on the man's leg in consequence of his proceeding to chop the same while it lay in too perpendicular a position, and that there is no reason to suspect that he died in a different manner. I therefore beg to report these circumstances [accordingly.]

22nd December 1865.

(57.)

To

THE MALABAR JOINT MAGISTRATE'S COURT.

The complaint of Chukkram and his daughter Veḷḷachchi, residing in the Katiramparra déśam of the Konggáṭŭ amśam in the *Pálakkáṭŭ tálúq*, and working on the lands [*lit.: at the gate*] of the Tekkumkáṭŭ [chief.]

Konggaśśéri Kaṇṭara Ménón of the Kallaṭikkóṭu amśam and déśam, Neṭunnganáṭṭŭ tálúq has two or three times in this month forcibly seized and constrained us to work on his lands. By this conduct of the defendant, we are much aggrieved and annoyed, and have ground of serious complaint against him. We have no desire to stay and work on the defendant's estate. We wish to stay on the Tekkumkáṭṭŭ [chief's] estate, and work there. We therefore earnestly request that your honor, the protector of your subjects, will have pity on us, and redress our grievances and make such provision as will prevent the defendant and others seizing us and making us reside on his estate and work there and otherwise maltreating us, and protect us by relieving us from this distress.

22*nd Méṭam* 1036.

(58.)

To

THE SUB-MAGISTRATE

Of the *Pálakkáṭṭŭ tálúq*.

From

THE ADHIKÁRI

Of the *Konggáṭṭŭ amśam*.

The order dated 9th May and the copy of the petition presented to the Joint Magistrate by Cheṛuman Chukkran and another working under (the proprietor of) Tekkumkáṭṭŭ, forwarded (to me) were received on the evening of the 13th. On calling for the petitioners, Cheṛuman Chukkran and his daughter Veḷḷachchi, and asking them, the 1st petitioner says that he wishes to work on the estate of the proprietor of Tekkumkáṭṭŭ, and the 2nd petitioner states that no one attempted to detain her, and that no hurt was done [to her] and that she did not join in presenting the petition, that she wishes to work on the estate of Konggaśśéri Kaṇṭara Ménón, and that orders should be given for her being unmolested in so doing. But it appears on the enquiry made on this matter that the petitioners belong to the Tekkumkáṭṭŭ emancipated slaves [*lit.* : Paṭṭi, the place where slaves stand to receive their hire] and that for some days they have joined a Cheṛuman of the Konggaś-śéri people [*lit.*: Paṭṭi, as before], and that while working with him there, and after they came here in the month of Mínam last for the Púram (festival) at Konggáṭṭŭ, some persons, particularly a certain

Erakkunnaṭṭŭ Ráyi Náyar (who is the husband[1] of a female of the Tekkumkáṭṭŭ family) misled the petitioners and got them to present this petition. As I have made arrangements for the petitioners, working and living at any place they choose, and that no one should molest them in so doing, I beg to report the circumstances as above.

10*th May* 1861.

The copy of the petition is herewith returned.

Dated as above.

(59.)

From

THE TÁLÚQ MAGISTRATE

Of *Pálakkáṭṭŭ*,

To

THE COURT OF THE HEAD ASSIST. MAGISTRATE

Of *Malabar*.

On perusal of the reply which the Adhikári of the Konggáṭṭŭ amśam sent on the 16th instant to the order I gave him to make and report such arrangements as might be necessary to ensure the petitioners not being prevented from living wherever they liked, it appears that no one had attempted to seize or take away the petitioners, and that on the first petitioner's saying that he wished to live at Tekkumkáṭṭŭ and work there, and on the second petitioner's saying that she wished to live on the Kaṇṭaśśeri Kaṇṭara Ménón's estate and work there, the necessary arrangements were made and warning given that no one should prevent their living as aforesaid. This circumstance is therefore reported for your information and the report of the Adhikári submitted herewith.

PALGHAUT, 21*st May* 1861.

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(1) See Appendix E.

(60.)

To

THE COURT OF THE HEAD ASSIST. MAGISTRATE

Of *Malabar*.

The humble petition of Báppu, son of Erálapurattil Kayikkólaril Ampu, in the Ténári désam of Elappalli amśam, *Pálakkáṭŭ tálúq*.

I have held and enjoyed[1] for nearly thirty years the jungle appertaining to the freehold estate of Erappáttu Tampurán of the Eraapuri, which I at my own expense converted into cultivated land to the extent of about thirty paras of seed together with the former land of fifty paras. Now both in the Pálakkáṭŭ Magistrate's Court and in the Head Assistant Magistrate's court, I preferred complaints in reference to the various molestations and obstructions to which, presuming on the influence of his wealth, [a certain] Achchuta Ménón (son of Krishna Ménón of the village of Elappalli in the above amśam) had violently subjected me, he alleging that he had a superior title [or over-lease] from the said Tampurán. But I being the weaker party can get no redress. The said Achchuta Ménón also on the 1st Vriśchikam preferred a complaint at the same time I did. They dismissed my complaint, and I, on Achchuta Ménón's complaint, was fined ten rupees in the tálúq Magistrate's Court. I paid the fine, but though I applied every day (from the date of the judgment to the present) for a copy of the order, it has not yet been received. I therefore pray that your honor will be gracious to me and issue an order, directing that a copy of the decision may be given to me soon, and that the space of four days from the date of such delivery may be allowed me to present the appeal, and directing also that the said Achchuta Ménón may not molest me in sowing the crop (*sic*) I have grown on the abovesaid ground, and that you will thus protect me and redress my grievance.

8th Makaram 1038.

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(1) See Appendix C.

(60.)—Part II.

From

THE 2ND CLASS SUBORDINATE MAGISTRATE

Of the *Pálakkáṭŭ tálúq.*

The petitioner after paying the fine which was imposed (on him) has not even once presented himself here, nor has he applied for the decree. His statement that he did not receive the copy on application, is a falsehood. On the very day I received the order, I directed the Adhikári of the Elapaḷḷi amśam to inform the petitioner of the circumstances. When the petitioner appeared here to-day, I informed him of what was directed in the order, (viz. :) that as the time of appeal had expired on the 31st January the petition of appeal would be received within a week from the date on which I gave him the copy. These particulars I wrote at the foot of the copy, and I therefore beg to report the circumstance.

7th February 1863.

(61.)

To

THE HEAD ASSIST. MAGISTRATE'S COURT, *MALABAR.*

The complaint of Kuḷḷan, son of Izhuvan Tírtthampátattu Pazhani Áṇti, residing in the Elapaḷḷi amśam and déśam, *Pálakkáṭŭ tŭlúq.*

I appealed to this Court against the decision made by the tálúq Sub-Magistrate of Pálakkáṭŭ in the case of the lands Pattamamkávu and Tachchaparra of six paras which were in my possession and which for several years I held and enjoyed. The decision of the tálúq Magistrate was annulled, and it was ordered that I should hold the above lands as before. I was also directed on the 11th Mínam last by the Adhikári of the abovesaid amśam to act in accordance with the decision then made, and I accordingly went and ploughed the above lands, upon which the defendant Rámáyi, son of Izhuvan Uttṇṭan prevented me ploughing, and assaulted me, and when I complained in the tálúq Magistrate's Court, I was informed that the police case was dismissed for want of evidence, but that there was no objection to my cultivating the lands. In accordance with this (order) I, on the

2nd instant, ploughed the lands, and when some portion was planted, the abovesaid defendants Rámáyi and Ráman, son of Vélu came there and, having cut the rope of the yoke, drove the bullocks away, pushed me about, abused me and beat me. As these defendants have assaulted me for ploughing and planting the lands in accordance with the abovesaid decision made by this Court, I most respectfully request that your honor will be good enough to summon the defendants, and the witnesses; 1, Ittirárappa Menakkótammal; 2, Perumál Śettiyár, son of Vettampa Náyakkan, both residing in the abovesaid amśam, and 3, Kakkólan Márimuttu Śettiyár of the Venggóti déśam, and examine them and have me allowed to cultivate my land according to the abovesaid decision, and duly punish the defendants for assaulting me and [thus] redress my grievances.

3rd Karkkitakam 1038.

(62.)

To

THE COURT OF THE DEPUTY MAGISTRATE

Of the Southern Division of *Malabar*.

The complaint of Párvati, wife of Natuppatiyil Kámprattú Kalattil Krishna Ménón residing in the Kollankótŭ déśam of the Patavanúrŭ amśam, *Pálakkátŭ tálúq*.

In accordance with the order to the tálúq Sub-Magistrate given in consequence of the petition which I presented to this Court (on the 13th Métam last) against Párakkal Śankara Ménón, for forcibly dragging away twenty-seven head of cattle and taking away certain cotton, maize, cocoanut-shells, ragi, &c., belonging to me, and otherwise molesting me, I presented myself at the tálúq Court, produced witnesses and other evidence, and the case was heard. I have not (however) even yet got a decision. In consequence of the defendant being a very influential man and so on, and in consequence of the grudge he bears against me for complaining, I am molested on all sides [*lit.*: he seizes me and carries me away whenever he sees me] and am distressed beyond endurance by the incessant persecutions of my opponent, who continually urges me to compromise the case, saying that if I do, he will give me a hundred rupees, and if not, that he will not only get a decision

against me, but also take measures to drive me out of the country. Now after evidence has been produced, and the trials over, the Sub-Magistrate (tálúq) orders me to again bring forward witnesses. But the defendant has now by assaulting and threatening my witnesses, driven them all away, I know not where. My husband is lying ill, and I who am but a young girl [*lit.*: a female and a child] have already undergone much fatigue in this matter, and am worn-out with walking to the kachchéri. As it is very grievous that a decision has not yet been given in the case, I pray the favor of the Court may be upon me, and that by summoning the defendant and others here, and examining them, the Court will, after ascertaining the truth, get back my cattle and other property, and so redress my grievance and establish my dwelling (sic).

28*th Éṭavam* 1038.

(63.)

To

(J. C.) HANNINGTON, Esq.,

Head Assistant Magistrate of *Malabar.*

From

KRISHNÁ MÉNÓN,

2nd Class Sub-Magistrate of *Pálakkáṭŭ.*

The orders endorsed on the back of the marginally noted petition of the 1st petitioner dated 20th July, and that of the 2nd dated 6th August, have been received.

Petitioner Ampúṭṭi, son of Izhuvan Tírtthampáṭattu Pazhani Âṇṭi in Misc. No. 163 of 1863.
Chantu, son of Uttṇṭan.
Do. No. 202 of 1863.

A complaint was presented to this Court in file No. 732 of 1861, by Kaṇtan, the elder brother of the 1st petitioner, and another against the 2nd petitioner and four others, for preventing the complainant ploughing the lands Pattamathamkávu and Tachchamparra of 6 paras, which are the subject-matter of the above petitions and for assaulting him, on the hearing of which complaint, the police case was found unproved, and therefore on the 27th July I dismissed the case, and ordered that the lands should be cultivated by the 1st defendant Chantu, on which decision the 1st

petitioner, the complainant in the above case, and his elder brother appealed to the Joint Magistrate's Court in case No. 71 of 1861, and the Deputy Magistrate of the Southern Division, Malabar, having annulled the former decision, passed another under date the 21st February 1863, and endorsed on it the order No. 21, directing that the parties should act in accordance to the present decision, and I accordingly informed the parties on the 24th March by an order to the Adhikári of the Elappaḷḷi amśam. After that, while Amputti, the 1st petitioner was cultivating the lands which he acquired on the above appeal, Chantu, the 2nd petitioner prevented him ploughing and assaulted him, and he (the 1st petitioner), thereupon complained in this Court in No. 43 of the Calendar of 1863; on the 26th June, on enquiry, the case was dismissed as unproved. As it appears that the 2nd petitioner (who was unsuccessful in the appeal) does not thereon abandon his claims, but molests the 1st petitioner and files (these) complaints against him, while the 2nd petitioner on his side files counter-complaints against the 1st petitioner,—and as it appears that the disputes would come to an end should an answer be given to the petitioners from your Court directing that the above lands should in accordance with the terms of the above decision be cultivated by Amputti the petitioner No. 163, and that the 2nd petitioner Chantu (original No. 202) should not have any claim on the lands, I beg to report the circumstances and to return the petitions herewith.

17*th August* 1863.

(64.)

To

The Presence of the JOINT MAGISTRATE

Of the Province of *Malabar.*

The humble petition of; 1, Kaṇṇan, son of Govindan; 2, Pokkan, son of Ráman, and 3, Kéḷu, son of Oṇakkan, residing at Eramanggalam of Kuzhalmanna amśam, *Pálakkáṭŭ tálúq.*

In consequence of Chámi, son of Izhuvan Pálamparampil Títtan, residing in the Kuttanúrŭ amśam, the owner of the Âlakkal land, having last year filled up an old pool, situated on the north side of and close to our houses, and on the southern side of the said Âlakkal field, which pool used to supply several houses with water—and of his having levelled and added to his field a certain public causeway

which was a thoroughfare of long standing—we preferred a complaint that year in the tálúq (Sub-Magistrate's) Court, and presented ourselves there two or three times with the witnesses. In consequence of the said Chámi being a man of wealth, and a man unscrupulous in litigation, no order was obtained in redress. Afterwards we were told every now and then that the pool and the causeway would be restored. But all that was done was to raise a small bank, and the pool was not dug at all. That the Chámi has, taking advantage of his great influence, really levelled and added to his field a public causeway, a thoroughfare of long standing and a pool which supplied many of us with water, may be clearly ascertained if your honor will make a personal visit and enquiry. On the day before yesterday, the said Chámi with his slaves came and razed this small bank and planted paddy on its site [*lit.* : added it to his cultivated ground.] On our telling the said Chámi not to raze the bank, he paid no attention, but only said that he would raze it. Last year the fact was reported to his worship, the Adhikári, who called for the said Chámi and spoke to him, and he (Chámi) went away saying, that the bank and the pool should be made as they were before. That he, because he is rich and wicked, should thus annoy us poor laborers who have to work hard for our daily maintenance, and that he should thus distress us, is a matter of great injustice, and we therefore earnestly beg that your honor will graciously look into the illegal oppression done to us, and will, on ascertaining the truth, give orders that the said pool which supplies us with water shall be re-dug, and the public causeway (generally used by us and many others) re-made as before, and that your honor will give due orders respecting what has now been done, and thus protect us.

21*st Minam*, 1038.

(65.)

From

THE SECOND CLASS SUB-MAGISTRATE

Of the *Pálakkáṭŭ tálúq.*

The petitioner on the 8th June 1861, filed a complaint in this Court regarding the matter referred to in the petition (now forwarded to me for report), but this case was dismissed on the 27th of the same month, in consequence of the petitioner having failed to appear and

give evidence in the case. On my investigating the reason of this, it appeared from the report of the Adhikári that the petitioner did not present himself and give his evidence, in consequence of the defendants on the same day [the petition was presented] coming to an agreement with petitioner, mutually settling that they [defendants] would dig the ditch and make up the bank of the field ; but that [now] from the defendants not having acted in accordance [with their agreements] there was cause for this petition, and that there is inconvenience (in consequence of the circumstances mentioned). I think, therefore, that an order should be issued to have them in the same way as [they were] before, and beg to report accordingly.

27*th October* 1863.

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(66)

To

THE HEAD ASSISTANT MAGISTRATE'S COURT.

The complaint of Kéḷu Ménón, son of Krishṇa Ménón, residing in the Putunagaram of the Kotuváyúr amśam, *Pálakkáṭŭ tálúq.*

The western shop, close to one next to the shop in the northern line of the eastern and of the Putunagaram bazaar, is my own property. My father, the late Krishṇa Ménón, and the 2nd prosecutor, Śankara Ménón, my uncle, preferred a complaint in the tálúq Magistrate's Court against Chantu, *alias* Cháttu, son of Anantan Ráman, and others, for taking forcible possession of this shop, and the defendants were fined for so doing. Afterwards, till the death of my father the business was carried on under the said Śankara Ménón at our expense, and after the death of my father the business was discontinued, and the building fell into a ruined state. As the shop was not made over to Gópála Ménón, in accordance with a former Deed which was executed in his favor by my father for an old debt of 200 Rupees, this shop was in the month of Karǩkitakam last, therefore, under the provisions of the Deed, made over to this creditor. Gópála Ménón by myself and my mother, the guardian—and we have now for nearly three months been purchasing goods and carrying on the business at that man's (Gópála Ménón's) expense. The 2nd prosecutor in the above suit—Śankara Ménón—who (really) has no claim to the above shop, considering only that one part of the former suit which states that he also is in possession of the above shop, has now been won over by the persua-

sion of my enemies (of whom there are now in this town two factions,) and has several [*lit.* : two or four] times abetted attacks on my shop, thinking that as I am but a youth he can, by raising disputes, and under the cover of the law perverting justice, obtain possession of my shop. But on the above occasions, as the shop is quite close to the police station, he has had no opportunity of committing any grave offence; and when on Tuesday, the 31st Chinggam, I went to get the shop (which is now in a bad state) thatched, the said Śankara Ménón and Chantu (who was formerly punished in connection with a case of an attack on this shop) pushed me and the men who were selling in the shop, and showed an intention to take forcible possession of it. This time also, (the police) on hearing the disturbance at the station house (came and) suppressed it, so that no grave offence was committed. As the said Śankara Ménón and Chantu have several times criminally conspired and trespassed on my premises and attacked them, I request you will cause enquiries to be made as to who is the owner of the shop, whether Śankara Ménón had the management of the shop after my father's death, who at present sells goods there, and for how many months they have done so, and that you will then order the defendants to abstain from their attempts at forcibly trespassing on the shop (in question), and that you will summon and examine them, and the witnesses I shall name at the trial and award punishment to the defendants for assaulting and otherwise injuring me, and that you will afford me redress for my grievances.

8th Kanni 1039.

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PART III.

JUDICIAL PETITIONS.

(67.)

To

THE MUNSIF'S COURT, *CALICUT.*

Míttalevíṭṭil Vélappan, Goldsmith in the Qasba amśam, *Calicut táluq,*

versus

Kayalátattŭ Ammatŭ Kutti, Trader in the Nagaram amśam in the above tálúq.

I sue for the recovery of rupees 11-12-0, as shown below on a ten-rupee bond executed in my favor by the defendant on the 5th Métam 1037 and payable within the 30th Chinggam of that year.

Principal....................................	Rupees	10	0	0
Interest, at 2 per cent. per mensem........	„	1	12	0
Total Rupees...		11	12	0

The said bond on stamped paper is herewith presented.

I, the plaintiff named above, declare that to the best of my information and belief, what is herein contained is true.

(68.)

To

THE ZILLA SESSIONS' COURT, *CALICUT.*

The appeal petition presented by Kúśśánggáṭṭŭ Kutti Ráman Ezhuttaśśan, of the déśam of Kákkúrŭ in the Pórkkuḷam amśam, *Ponnáni táluq,* prosecutor in the criminal case No. 79 of 1859.

I beg to appeal on the following grounds against the order passed, directing the discharge of Kaḷattumpaṭikkal Anantan Ezhuttaśśan of the said déśam, amśam and tálúq, prisoner in the above case.

As the fact that the prisoner trespassed into my house with a number of men, made it [ceremonially] unclean, and caused me much damage and annoyance, is sufficiently evident from the investigations made, as well as from the reports of the officers who visited the spot and instituted inquiries, and as the Subordinate Criminal Judge has not declared the case to be false, and as the evidence, that the prisoner was at the Munsif's Court at the time the offence was committed, is a fabrication, the discharge of the prisoner is not justifiable.

I pray therefore that an order may be passed setting aside the decision.

1*st Mithunam* 1034.

(69.)

To

THE ZILLA CIVIL COURT, *CALICUT.*

The petition presented under Act No. XXVII of 1860, by Śankara Ménón, Vakil on behalf of Śankara Váriyár of Kizhúr Váriyam in the Kaṭavanáṭṭŭ déśam, *Ponnáni amśam and tálúq.*

Achchuta Váriyár, and his younger brother Śankara Váriyár of Kizhúr Váriyam, the heads of petitioner's family,(1) died in 1036; petitioner is the heir to succeed them, and is in possession and enjoyment of all their property; as it is required that suits be instituted for the recovery of certain debts due to the said individuals deceased, and as a certificate under the said Act is necessary for the purpose, petitioner requests that an order may be passed for the granting of a certificate that will serve to establish the petitioner's heirship to the deceased Achchuta Váriyár, and his younger brother Śankara Váriyár; no other person has applied for a certificate, and petitioner is willing to make an affidavit before the Kúṛṛanáṭṭŭ Munsif's Court.

5*th Mínam* 1039.

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(1) Estate, other than personal, is held in Malabar by all the family in common, of whom the eldest male member is the head. This head of the 'family' (taṛaváṭu) is the Administrator (Káraṇavan) of the property. Of course the next male member is the heir [távazhikkaran; (táy = mother; vazhi = lineal succession.)] All the male members other than the 'Káraṇavan' are called 'anantaravar' or heirs.

Deposition (taken) of Petitioner on oath.

The application I have made for a certificate is in respect of the amount of Rupees 380 to be collected in one year, of which 280 rupees are on account of debts due to the deceased Achchuta Váriyár and Śankara Váriyár ; and the remainder, 100 rupees, is the amount of one year's interest upon the debts and of one year's income from the produce of immoveable property. What has been read over to me agrees with what I stated.

22*nd August* 1864.

Deposition (taken) of Achcházhiyattŭ Góvinda Ménón, 2nd Witness, on oath.

I know petitioner, his uncle [or elder brother] Achchuta Váriyár, and Śankara Váriyár, the latter's younger brother. Achchuta Váriyár and Śankara Váriyár are not now living—they are dead. I think they died in 1036.(1) I do not recollect the months and dates. The nearest heir to the deceased Achchuta Váriyár and Śankara Váriyár, is petitioner himself. There are no other heirs. Petitioner is the only person who collects the debts due to the deceased Achchuta Váriyár and Śankara Váriyár. As I am a neighbour of petitioner, I am acquainted with all these circumstances.

22*nd August* 1864.

(70.)

To

THE ZILLA CIVIL COURT, *CALICUT.*

The petition presented on behalf of Káññirále Attan, in the Mampáṭŭ désam, *Érnátŭ tálúq*, 1st defendant in suit No. 256 of 1863, on the file of the Érnátŭ District Munsif's Court, by Vakil Sayd Ali Munshi.

The appeal petition preferred against the judgment in the said suit, was (on the ground of an improper valuation of the claim) returned on the 22nd February last to be corrected and presented on the next court-day.

Finding upon a proper calculation, that the appeal petition should be presented on stamped paper of the value of 32 rupees, I wrote to the plaintiff, desiring him to send 24 rupees exclusive of the value of

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(1) Malabar æra, dating from the building of *Kollam*, Quilon. Hence *Kollam* has come to mean ' year.'

the stamps on which the appeal petition was prepared. The money was sent on the 30th February only. I obtained eight days' leave from the 1st March, and the sitting of the sessions commenced from the 8th idem, hence my failure to present the appeal on the appointed day.

I therefore pray that the appeal herewith presented, may be received.

3rd Mínam 1039.

(71.)

To

THE ZILLA CIVIL COURT, *CALICUT.*

The petition of Rāman Ménón, Vakil on behalf of the Senior Tampurán of the Western Royal House of *Calicut.*

On the 9th February, the Munsif entered [an order in his] 'diary' to the effect that the claim against Mélétóti Kóvuṇṇi Neṭunggáṭi and Múkuṇṇi Neṭunggáṭi, living in the Naṭuvaṭṭam amśam in the *Vaḷḷuvanáṭṭŭ tálúq,* preferred by the said Rájá before the District Munsif's Court at Pattámpi, for the recovery of the amount of principal with interest, on a bond dated the 23rd Kanni 1033, could not be filed, because three years had elapsed since the date of the instrument.

1. Clause X, Sec. I of Act XIV of 1859, referred to in the 'diary' does not apply to instruments of this description. It is clause XVI of the said sec. I, that is applicable to cases of this kind. This is ruled by the decision passed by the High Court, dated the 20th July 1863, in suit No. 3 of 1863.

2. The above being the law, the Munsif is not justified in dismissing the said suit.

It is requested that an order may be issued to the Munsif to admit the suit to be filed.

3rd Mínam 1039.

(72.)

To

THE ZILLA CIVIL COURT, *CALICUT.*

The petition of Achchuta Ménón of Kólóttumpaṛampŭ, inhabiting the déśam of Peringganam in the Kaypa Mangalam amśam, *Ponnáni tálúq,* formerly 2nd Gumastha in the Principal Sudr Ámín's Court of Cochin.

Since I made an application on my arrival at Calicut praying that the [order in the] Diary dismissing me, might be called for and furnished me in order to my preferring an appeal against my removal from office by the Principal Sudr Ámín of Cochin, the illness which had begun to affect me a few days previously became worse, and I became quite unable to get up and walk, and in [this] distressing condition was confined to my bed for several days. After that, I was taken by railway to my native place [*lit.*: my house] where I underwent medical treatment and have [now] almost recovered from my illness and have arrived here ; which facts are known to many of the principal men at this place.

As it is for this reason that I have not been able before now to present the appeal as prescribed, I beg that [the Court] will be kind enough to take evidence in this respect and order my appeal to be admitted.

23*rd March* 1864.

(73.)

To

THE DISTRICT MUNSIF'S COURT, *CHÁVAKKÁTU.*

Venkatéśwara Pattar, son of Kákkaśśéri Paṭiññáré Mathattil Raghunátha Paṭṭar, Merchant, residing in the Brahma Kuḷam amśam and Kákkaśśéri déśam, *Ponnáni tálúq.*	*Plaintiff.*
Káṇam Pazhaññyil Kuṭilunkal Vélu Náyar in the Chávakkáṭu amśam and Vemmanáṭṭŭ déśam of the said tálúq.	*Defendant.*

Complaint presented under section 26 of Act VIII of 1859 ;—

1. As the defendant has up to this date failed to pay anything of what is due to me from him according to a bond executed to me on the 13th Mithunam 1037 and made payable within the 12th Kanni 1038, the cause of action has accrued from the 13th Kanni 1038.

2. I therefore pray that the defendant may be summoned and examined, and a decision passed for the payment of the amount

as specified below together with interest accruing for the future and costs ;—

Principal as stated in the bond	Rs.	35	0	0
Interest thereon from the date of the execution of the bond to the present date at one per cent. per annum...............	,,	10	1	6
Total	Rs.	45	1	6

The bond sued upon and written on stamped paper is herewith submitted.

8th Vṛiśchikam 1040.

I, the plaintiff, do hereby declare that all that is stated herein is (to the best of my information and belief) true.

(74.)

To

THE ZILLA SESSIONS' COURT, *CALICUT.*

The appeal petition of Impichchi Kuṭṭi, son of Kaṇtan Kuṭṭi, and three others in the Bazár street of Putunagaram in the Kotuváyúrŭ amśam, *Pálakkáṭŭ tálúq.*

As the Joint Magistrate's decision under date the 31st December 1857, No. 122, by which a fine of five rupees each, has been imposed and levied on us, upon the enquiry into a complaint preferred before the Ámín's Kachcheri at Putunagaram by Nákuru Vírán, son of Kulukkumítti Śékŭ Mírán, against ten persons including us, charging us with having assaulted him, is contrary to fact and law and a grievance to us, we therefore pray for the reversal of the decision. We represent the following grounds :—

1. [The proceedings of] the enquiry will show that as the witnesses for the prosecutor depose only that they *heard* the prosecutor say that we had beaten him, and not that they saw us do so, the Joint Magistrate was not justified in concurring with the Ámín in finding that the evidence was in favor of the prosecutor and [thereupon] fining us.

2. On our requesting to be allowed to bring forward witnesses to prove that on the day on which the 4th prisoner Śinnaśántu Rávuttan, and the 8th prisoner Mautu Rávuttan, were alleged to have beaten the prosecutor, the former had gone to Cochin,(1) and the

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(1) *Lit.* : the fort of Cochin.

latter to Avanáśi in the Coimbatúr district, and were staying there to trade, [our request] was disallowed [and this] and our being [thereupon] fined, are unjustifiable.

We therefore pray that the proceedings in the first instance may be called for and examined, and that an order be issued reversing the Joint Magistrate's decision and directing the refunding of the fine levied from us.

14*th Makaram* 1033.

(75.)

To

THE ZILLA SESSIONS' COURT, *CALICUT.*

The appealpetition of Tómarakkanṭiyil Seytúṭṭi, residing in Kurumprakkáṭṭa śerikunnú, Kachcheri amśam, *Calicut tálúq.*

The Magistrate has imposed and levied a fine of five rupees upon me, (on the recommendation of the Ámín) on a charge of assault, preferred against me before the Ámín's Court [*lit.:* Kachcheri] by two complainants, one Kaṇṇan Kuṭṭi [a Cheṛuman] and another, living in a piece of land called Níliyáṭattŭ.

2. Thus fining me is quite unjustifiable, because my not being implicated in the said case, has been satisfactorily shown by the evidence of my witnesses, and because there are discrepancies in the statements of the complainants and in the evidence of the witnesses on their side.

3. The Magistrate has fined me on the report submitted by the Ámín, who relied upon the Adhikári's report; but even the public records will prove that all the imputations concerning my character which are made in the Adhikári's reports (which led to my being fined) are false.

It is therefore prayed that all the foregoing circumstances may be enquired into, the Magistrate's decision (herewith presented) and all the other records connected with the case be examined, and the fine cancelled and order given for its being returned.

19*th Karkkiṭakam* 1033.

(76.)

To

THE ZILLA SESSIONS' COURT, *CALICUT.*

The appeal petition presented by Vakíl Náráyaṇa Ayyan in the name of Achchuta Náyar, of the Paruváykkal Iṭam(1) in Veydyanáthapuram in the Puttúr amśam, *Palakkáṭŭ tálúq*, for the reversal of the decision of the Joint Magistrate in appeal case No. 10 of 1857, and of the decision also of the Head Police Officer, passed prior thereto, as petitioner does not acquiesce (in the justice of the said decisions.)

All parties examined in the first instance have admitted, that the pagoda under dispute, belongs to the petitioner's Iṭam, and the prosecutor himself has admitted, that it was only from the year 1030 that he commenced performing 'unction'(2) with boiled rice; such being the case, petitioner should perform or cause to be performed the ceremonies, &c., according to his own wish at the pagoda, and further, the carrying on of a suit by the prosecutor (who has no privilege as abovementioned) on the plea that he has a right to perform (rice) unction therein, and the order of the Head Police Officer, that the ceremony should be performed by both parties in mutual agreement with each other, and the decision of the Joint Magistrate to the effect, that it would be justifiable to prohibit both parties from performing it, are injurious to petitioner. He therefore prays that the proceedings may be looked into, the decisions set aside and an order issued to the effect, that the ceremonies, &c., in the pagoda shall be performed according to the will of petitioner.

26*th Vṛiśchikam* 1033.

(77.)

To

THE ZILLA CIVIL COURT, *CALICUT.*

The petition presented by Śankara Ménón, Vakíl on behalf of Śékhara Váriyár of Kizhúr Váriyan, in the déśam of Kaṭavanaṭŭ in the *Ponnáni amśam* of the same tálúq.

Petitioner was a volunteer in the Kúṛṛanáṭŭ Munsif's Court. He is a person having a good knowledge of the business of the Civil Department, having discharged the duties of Ámín and of Commis-

(1) Iṭam, the palace or mansion of a petty prince ; *here* = house, line, dynasty.

(2) Alluding to a ceremony in which the idol of a temple is besmeared with boiled rice.

sioner, and is a person who has passed the Uncovenanted Civil Service Examination required for employments on salaries up to fifty rupees, and for Vakílships in the Muńsif's Courts.

That [the fact] that petitioner passed the examination, was published by the entry of his name as No. 81 in page No. 17, Supplement to the Government *Gazette*, dated the 9th October 1860. All the candidates who passed the examination in the same year with petitioner have already been provided with employment. In consequence of certain calamities occurring in the petitioner's family, petitioner has had no opportunity of bringing the said circumstances of his to your honor's notice and of obtaining any favor (at your honor's hands.)

Petitioner therefore prays that the Court will be kind enough to look into the aforesaid circumstances of his and into the *Gazette*, (*sic*) and to appoint him to the vacant Vakílship in the Kúṛṛáṇáṭṫ Munsif's Court, in which there are eleven Vakíls, of whom petitioner understands one has been removed.

5th Mínam 1039.

(78.)

To

THE ZILLA SESSIONS' COURT, *CALICUT.*

The appeal of Manggáṭṭŭ Párakkáṭṭŭ Ráman Náyar in the Choruṭṭŭr déśam, Panamaṇṇŭ amśam, *Neṭunggaṇáṭŭ tálúq.*

The Joint Magistrate has fined me twenty-five rupees on the ground that I was implicated in the criminal case of assault committed upon the railway engineers, I beg to set forth below the reasons for a reversal of the sentence.

1. The Joint Magistrate himself admits my non-complicity in the assault alleged to have been committed; such being the case, the admission of the prosecutor's statement, that I was then present, and the imposition of a fine on me are quite unwarranted.

2. Moreover, I have proved by my witnesses, that I was laid up with illness, at the time the assault in question is alleged to have occurred, and also that I did not go near the spot; the reason for the imposition of the fine, turned out to be the detention of a Tíyyan ;[1]

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(1) A certain low caste—whose avocation was formerly confined to the cultivation of the cocoanut trees and the extraction and preparation of its juice. Many Tíyyans now, however, are educated men, and fill respectable appointments.

but the allegation that I was concerned in detaining him has not been confirmed by any evidence whatever; and hence the imposition of the fine by the Joint Magistrate, is illegal.

I therefore pray that all the proceedings may be called for, the above sentence set aside, and that it be directed that the fine imposed upon me be refunded.

8th Eṭavam 1033.

(79.)

To

THE ZILLA SESSIONS' COURT, *CALICUT.*

The appeal of John Allis Alexander, prisoner in criminal case No. 43, on the file 57.

The following reasons and an examination of the proceedings (on their being called for) will prove that my being convicted of the offence imputed to me is unwarrantable, and that my discharge should be ordered.

1*st.*—My conviction took place on the evidence of a single witness; I have fully explained in my deposition that this witness and myself were employed under (another) a witness, and that he and some other servants are my enemies.

2*nd.*—One witness states that the bottle of wine, alleged to be the stolen property, was found in my possession,—the statements of my witnesses proved that the bottle of wine could not have been taken and put in that place, either by that witness or myself.

3*rd.*—Moreover I have stated in my deposition, and the evidence of my witnesses proves the fact, that the witnesses in the case and some others are persons bearing enmity towards me in different ways, and that they have therefore maliciously trumped up the charge against me.

4*th.*—While such evidence has been adduced, it is a matter of great grievance that I should thus be convicted contrary to that evidence.

I therefore pray that the records may be called for and examined, and the sentence against me, cancelled.

6th January 1858.

(80.)

MEMORANDUM OF APPEAL.

Original suit No. 387 of 1861 on the file of the District Munsif's Court, Pálakkáṭŭ.

Karuvan, son of Pokkan of Kízhe Víṭṭil Kízhe Muri, Koppam amśam, *Pálakkáṭŭ tálúq.* } *Plaintiff.*

Kéḷu Náyar, son of Krishṇan Náyar, in the said Kízhe Muri. } *Defendant.*

Under section 333 of Act No. VIII of 1859, Séshan Paṭṭar Vakíl, on behalf of the plaintiff, begs on the grounds hereafter stated to appeal to the Civil Court of the Zilla of Calicut, against the Pálakkáṭŭ District Munsif's decision in the above suit, under date the 5th October 1864, the claim being valued at 64 rupees, the amount sued for :—

[Grounds.] 1.—The dismissal of the suit, while the claim, as sued for, has been sufficiently established by the testimony of the witnesses for the prosecution, is improper.

2.—When the adjustment of accounts took place, six years had not elapsed since the occurrence of the last transaction.

3.—It is not customary for traders to take written documents on the sale of articles of the description mentioned in the plaint.

4.—That the observations of the Munsif with regard to the delay and the omission to receive written documents are of no weight, is evident from the admission of the defendant that he has settled the accounts in reference to transactions for which there were no documents even after the lapse of periods longer than those mentioned in the plaint, and that he still owes to the plaintiff the balance then found to be due.

5.—The defendant adduced no evidence in opposition to the plaint. Interest from the date of decree to that of appeal is relinquished.

4th November 1864.

(81.)

To

THE DISTRICT MUNSIF'S COURT, *PÁLAKKÁTŬ.*

Sómasundara Mutaliyár, son of Aruṇáchala Mutaliyár, living in Sultánpetta in the Koppam amśam of the *Pálakkáṭŭ tálúq.*	*Plaintiff.*
Návaṛumírá Rávuttan of Tattamangalam in the State of Cochin, now permanently settled in the Koṭṭakkáṭṭŭ désam of Akattettaṛa amśam in the said tálúq.	*Defendant.*

Plaint lodged under section 26 of Act No. VIII of 1859.

The defendant received the following amount in advance on a contract executed in my favor by the defendant on the 8th of the month of *Tei* of the year called Siddhárthi corresponding to Makaram 1035, to the effect that he would convey 200 railway sleepers at quarter rupee per sleeper from the forest of the Émúr goddess (where I had by [another] contract purchased [the trees] and hewn the sleepers, &c., where they lay) and that he would deliver them at Káññirakkaṭavŭ within the 30th of the same month; it being stipulated that in case of non-delivery the amount advanced should be returned on demand with interest at the rate of two per cent. [per mensem]. The defendant has neither delivered the sleepers within the stipulated period in pursuance of the contract, nor has he paid the principal and interest. Whenever called upon to pay, he merely puts me off from time to time. The demand last made was in the month of Kanni last.

Principal...	Rs.	25	0	0
After relinquishment of Rs. 3-3-3 out of the interest payable up to this time under the terms of the contract, the net interest....................................	,,	25	0	0
The two sums together..	,,	50	0	0

It is prayed that the Court will compel payment of the sum with interest for the future and costs.

5th Tulám 1040.

(82.)

To

THE ZILLA SESSIONS' COURT, *CALICUT.*

The appeal petition of Kizhakkeppáṭṭŭ Krishṇa Váriyár of the Téruváli désam and amśam in the *Érnáṭŭ tálúq*, against a decision passed by the Special Assistant Magistrate.

From an inspection of the complaint lodged before the amśam magistrate's court (*lit.:* kacheri) by the prosecutor No. 248 on the 24th November 1857, and of the report made by the Adhikári, there appears no occasion for the police court to admit the complaint on the file ; and besides the statements of the witnesses [who admit] that they were only told by the prosecutor, but did not see [the act complained of], are not to be received [as evidence.]

2. It will be plain to the Court, that the decision of the Special Assistant Magistrate, was given without examination of the proceedings of the Head Police Officer, or of the petition presented by me to that magistrate for the reversal of the decision of that officer—a decision which concealed the facts and admitted the unlawful requisition of the prosecutor while it rejected the evidence and truth forthcoming in my favor, and stated that I was not residing in the family, and therefore forbade me to take water from the well. (*sic.*)

3. For the Magistrate first to say that there was no cause for him to interfere or to give any order, and there afterwards to affirm the correctness of the decision which the Head Police Officer gave on the complaint No. 248, (which decision was contrary to the answer first given) is not justifiable.

4. I most earnestly pray, that this Court will be kind enough to call for and examine all the records in this case, beginning from the amśam court, and to ascertain the truth and set aside the Magistrate's answer confirming the Head Police Officer's decision.

3rd *Mínam* 1033.

(83.)

To

THE ZILLA SESSIONS' COURT, *CALICUT.*

The petition presented by Chandappan, Vakíl, on behalf of Achchuta Ménón, in the Munṭúrŭ déśam and amśam, *Pálakkáṭŭ tálúq.*

I beg to appeal against the decision of the Joint Magistrate confirming the decision of the Head Police Officer of the *Pálakkáṭŭ tálúq*, with regard to the performance of the observance (or ceremony) called "Pána" in the Pálakkízhu temple.

As the local goddess (Bhagavati) whose worship is common to all castes in the déśams of Munṭúr, Tekkumpuram, and Oṭuvaññáṭŭ in the

above amśam—has (long) been made to have her dwelling in the house of the Náyar [chief] of Muṇṭúr, and a temple having been built at Pálakkízhu—in that place also and in the (said) temple, fitting worship and oblation were being offered up (to the goddess) by the Brahmins, and in the (said) house poems [in her praise] have been sung, and [the 'miracle-play' called] "Pána" (the performance of which is a religious duty devolving on Śúdras) was heretofore being gone through, and as [the said] Pána was also this year gone through in the said Náyar chief's house, and as evidence has been given accordingly, therefore the confirmation by the Joint Magistrate of the Head Police Officer's decision, which was contrary to the above usage and evidence, cannot stand good.

2. As it is ordered in the decisions that [the parties] may observe [the above observances in such place] as they please, and does not order that they should do as [has been the custom] heretofore, a decision likely to insure the keeping of the peace has not been given, [but on the contrary] by this decision there has accrued cause of still greater grievance being felt.

3. It is stated in the Head Police Officer's decision that the parties feeling aggrieved can seek redress in a civil suit. If that be the case, to give decisions to the effect—*not that the observance in dispute as abovesaid should be gone on with [only] after the Civil Suit is terminated but*—that Pána may be performed previously to that, is wrong.

I therefore pray (the Court) to call for and examine the proceedings up to this, and to reverse the above decisions and to order that the observances should be conducted as heretofore.

6th Mínam 1033.

(84.)

To

THE ZILLA SESSIONS' COURT, *CALICUT.*

The appeal petition presented by Cheṛu Kuṭṭi, Vakíl, on behalf of Kaṇṇan, son of Báppu, residing in the Putunagaram town, in the Koṭuváyúr amśam, *Pálakkáṭŭ tálúq*, appellant in case No. 7 of 1858, on the file of the Joint Magistrate of Malabar.

This appeal is preferred on the following grounds for the reversal of a decision passed on the 31st July 1858, confirming that of the Police Ámín of Putunagaram, who passed an award for the respond-

ent the possession of the compound, which was the subject-matter of the complaint in the above case:—

1.—It was quite unjustifiable to confirm the award, which the Police Ámín passed from an opinion formed upon merely inferential grounds, contrary to the evidence adduced from the reports of the Adhikári and headmen of the amśam, and by the testimony of the witnesses to the effect that the appellant had been in possession of the compound under dispute, and had been paying the assessment therein ever since he purchased the same in 1026 for upwards of ninety rupees from the deceased Śékkŭ Ismael.

2.—No weight can be attached to a decision passed without a consideration of the question, why the appellant has without any advantage been paying the assesssment, which, if the property had been in the possession of the respondent or his 3rd witness, should be paid by one or other of them.

3.—That the said Śékkŭ Ismael happened while on a business-journey to go to respondent's house, and died there, is no reason whatever for believing that any transactions then took place between them, and the fact that the appellant had paid the government revenue, &c., even in the life-time of the said Śékkŭ Ismael, very strongly establishes the conclusion that the respondent has no title whatever.

It is therefore prayed that the appeal decision may be set aside.

16*th Chingam* 1033.

(85.)

To

THE ZILLA SESSIONS' COURT, *CALICUT.*

The appeal petition of Maṭhattil Ampukuṭṭi in the Elappaḷḷi déśam and amśam of the *Pálakkáṭŭ tálúq.*

This appeal is presented to obtain a reversal of the Joint Magistrate's decision, reversing the decision given by the Head Police Officer in a criminal case, which arose from the trespass committed by two persons, Tekkévíṭṭil Kaṇṇan Náyar and another, on a piece of land under my occupancy :—

1.—That the land is under my occupancy is satisfactorily proved by the evidence of the witnesses, the reports of the amśam Adhikári and accountant, and by the depositions of the landlord the Kaymaḷ, and his brother Teyyuṇṇi, that the Joint Magistrate should in disregard

of all these circumstances reverse the Head Police Officer's [*lit.*: tálúq kachcheri's] decision on the ground that the evidence preponderated favor of the accused, is unjustifiable.

2.—It will be seen from the decision of the Head Police Officer that the two abovementioned accused persons gained over my tenants on the land to give evidence for them, and though Śankuṇṇi owing to the reciprocal animosity between Teyyuṇṇi and himself, got his servant, one of the accused, to come forward and carry on a suit, yet the defendants never held the land.

3.—As the accused are, before the period for appeal expires, cutting down and wasting the clumps of bamboos on the land, the losses thereby occasioned will be irreparable, unless immediate stop be put to the devastation. The appeal petition with the Magistrate's decision was presented on the 26th Kumbham, 1033, (*i. e.*,) before the expiration of the period of appeal; but was returned on Saturday last, (the 1st) on the ground that the petition was written on three pages;(1) hence this petition had to be submitted after the lapse of the period. I therefore pray that all the proceedings may be called for and the Magistrate's decision set aside.

3rd Mínam 1033.

(86.)

To

THE ZILLA CIVIL AND SESSIONS' COURT, *CALICUT.*

The petition of Puḷiyari Kuññipperachchan Kiṭávu, in the déśam of Eṭakoḷam in the Chémanchiri amśam, *Kurumpranáṭŭ tálúq.*

I have been fined ten rupees on a charge that at the time my deposition was being taken down before the Court on the 26th Vṛiśchikam last, I, prosecutor in criminal case No. 220 of 1857, hesitated [*lit.*: thought before speaking] in giving my answers to the interrogations. It is very strange that a fine should be imposed upon a charge of hesitation in expressing one's-self; besides, the use of certain expressions by the Court, tending to frighten the parties, was the cause of my giving the answers in that manner; and to think before one speaks, is proper and lawful.

As my inability to make immediate answers arose from the meaning of the questions put not being properly understood by me, (who

(1) *i. e.*, at too great length. The petition was returned to be condensed.

am a person not much experienced in official etiquette), the imposition of such a fine, without considering that fact, is a circumstance of severe hardship, and while it is impossible for any person to presume facts merely from such circumstances as the above or from the deportment and air of a person or otherwise than from the merits of the case, the infliction of a fine upon such a presumption is a pecuniary loss, as well as a vexation to me. On my application for a copy of the diary for the purpose of making an appeal in this case, the Subordinate Court verbally informed me, that as the imposition of the fine had been recorded in the deposition, there was no separate diary, and that all the records of the case had been forwarded to this Court.

I therefore pray that the Court will be kind enough to examine the said records, and to direct the refunding of the fine imposed upon me (who am) a person, unacquainted with official routine.

25th Dhanu 1033.

(87.)

To

THE ZILLA SESSIONS' COURT, *CALICUT.*

The appeal petition of Náráyaṇa Nampútirippáṭŭ, the senior member of the Púmuḷḷi Mana,[1] in the Kótachiṛa amśam, *Kúṛṛanáṭŭ táliúq*, presented by Vakíl Náráyaṇa Ayyan.

On the hearing and trial of the application, preferred by petitioner for the purpose of prohibiting the defendants' endeavours [illegally and] by forcible means to erect a building on a plot of ground in the possession of petitioner, and of the counter-complaint presented by the defendants to the Kúṛṛanáṭŭ Sub-Magistrate's Court (*lit.* : Kúṛṛanáṭŭ tálúq) an order was passed forbidding the defendants to do anything on the ground, which order the Joint Magistrate has since rescinded, directing that the building should be erected.

It is established by a mutual agreement, dated the 20th Méṭam 1029, that the parcel of ground in question, is in the petitioner's possession; concerning this there is no dispute. Not only have several orders been issued by the Magistrate and this Court, that petitioner should not enter upon the pieces of land, vested in the defendants by virtue of the mutual agreement, but moreover the Civil Court has recently

(1) A great Brahmin family. Mana = House—but is in Malayalam applied as above. In Canarese 'mane' is the common term for any house.

pronounced judgments in reference to the provisions of the mutual agreement; the Head Police Officer too has passed his orders in accordance therewith. The order of the Joint Magistrate is quite inconsistent with the mutual agreement, and his powers as a magistrate.

2. That the Joint Magistrate has misconceived the terms of the mutual agreement, will be apparent from a comparison of the mutual agreement with the order.

3. The Sub-Officer who inspected the spot has represented that great annoyance and injury will be caused to this petitioner, should a building be erected there. The principal mansion of petitioner stands on this place, where the ancestors of petitioner have buried a large amount of property, and as the defendants are digging up the earth and making devastation of various kinds, and taking the [abovesaid] property, petitioner will have to sustain very great loss.

He therefore requests that the records may be called for and examined, and the Joint Magistrate's decision reversed.

8th Mínam 1033.

(88.)

To

THE ZILLA CIVIL COURT, *CALICUT.*

The petition presented under Section 119 of Act No. VIII of 1859 by Kárúttá Śankara Ménón in the Veṭṭattúrŭ amśam of the *Vaḷḷuva-náṭŭ tálúq*, defendant in suit No. 192 of 1863, and petitioner in the miscellaneous petition No. 78 of 1864 on the file of the District Munsif's Court of Ernáṭŭ.

I beg to prefer this appeal against the decision of the said Munsif's Court under date the 28th January 1864, rejecting the above miscellaneous petition which I preferred requesting the court to set aside the *ex-parte* decision passed on the 21st January 1864—in the said suit No. 193 filed against me by Paraméśwaran Nampútiri of Pazhe Maṭham in the above amśam as plaintiff, and that the Court should receive my written statements and evidence on the following grounds :—

1.—Because in this case there was no consent (or admission) whatever on my part; the order passed is incorrect in attributing the

non-compliance with my petition to the alleged circumstance that the decision in the above suit was on my consent (or admission.)

2.—The order contains no other remarks upon my application, based as it was, upon sufficient, real and admissible grounds—viz., that before my return after recovering from cholera (which I got on my unexpected journey in search of my nephew Śankara who had run away) an *ex-parte* hearing took place, and I was consequently precluded from the possibility of appearing before the Court on the appointed day to file my written statement and to exhibit several public and other documents in evidence in support thereof.

I therefore pray that the Court will be kind enough to issue the necessary orders to set aside the *ex-parte* decision and the order aforesaid, and to receive my written statement and evidence.

12th Mínam 1039.

(89.)

To

THE ZILLA SESSIONS' COURT, *CALICUT.*

The petition of Rekkanti, son of Purandíyil Iṭṭan, an Ízhuvan in the désam and amśam of Maññaḷúrŭ, *Pálakkáṭŭ tálúq.*

While I was in occupation on a mortgage lien of the nine pieces of land, Tuvvakkóṇam Vaḷayam Kanṭam, &c., of twenty-eight paras of paddy and also [for drainage purposes] of the parcels of ground on both sides, the Joint Magistrate passed an order on the 17th December 1857 to the effect that the prosecutor Cháttu was entitled to occupy a portion to the extent of fifteen paras of the said Tuvvakkóṇum Páṛakkal land and the parcel of ground on the northern side, upon which I appealed to this Court, by which an order in my favor was passed on the 11th March 1858, setting aside the Magistrate's order; as the land was not made over to me in pursuance of the said order, I presented a petition to this Court on the 17th Méṭam last; and after the petition was sent with an English memorandum to the Magistrate, I verbally moved the Court on the order passed thereon on the 14th May 1858; and depending upon what the Court verbally said to the effect that there would be no objection to my cultivating the land, I (in accordance with the order passed in my favor) entered the land for the purpose of ploughing the same, when prosecutor Cháttu, son of Malli, his elder brother Cháttu Vélan, and Nampu his younger brother,

came to assault me, saying that they would oppose my cultivating the lands in pursuance of the order; whereupon on the 15th of this Eṭavam, I sent a petition to the Magistrate, who has issued an order to me thereon, refusing to entertain my request.

I therefore pray that the said answer (*i. e.*, order) and also the order passed by the Magistrate on the 14th May 1858, may be looked into, the possession of the land secured to me against any disturbance on the part of the defendants agreeably to the decision passed by this Court in my favor, and the necessary warning be given to the defendants concerning the resistance they offered as aforesaid.

19*th Eṭavam* 1033.

(90.)

To

THE ZILLA SESSIONS' COURT, *CALICUT.*

The appeal petition of Kaṇṇimmél Kuññuṇyan, in the Vayanggóṭu désam and Nemmini amśam of the *Vaḷḷuvanáṭŭ tálúq.*

Upon my appeal to the Special Assistant Magistrate against the imposition of a fine of Rupees fifty, upon me, by the Head Police Officer of the said tálúq, who charged me with having used certain expressions tending to intimidate the Court, the decision passed by the said Magistrate on the 1st July 1858, directing the refunding of twenty-five rupees only, has not wholly removed my grievance, I therefore beg to submit this appeal.

1.—The first thing to be considered in this case, is, whether the Special Assistant Magistrate has in compliance with the request contained in my appeal, received evidence, and held a trial in the case, and whether he is justified in not doing so.

2.—If my witnesses be examined and the proceedings perused, it will be plain to the Court that if my objections had been entertained [and such a trial as aforesaid had been granted me] it would have resulted in a complete reversal of the decision of the tálúq kachcheri, and that the failure of the Special Assistant Magistrate to do so and his passing the decision, is not in the least either right or regular.

3.—The utter disregard by the two authorities of the imperative law that we should receive the evidence of witnesses [produced] on the side of a person who is in any manner accused, and also the refusal to

return the fine, are a great injury to my present circumstances, and a great disgrace to my past condition in life.

4.—On a consideration of the nature of the charge imputed to me, of my character, of the great severity of the fine imposed upon me, (quite irrelevantly to the matter) and of the nature of the circumstances of the case, the Court will be of opinion that many reasons contribute to show that the matter did not occur in regular course (*sic.*)

I therefore earnestly pray that the Court, taking all the above-mentioned circumstances into consideration, and looking into the decision herewith presented, as well as the proceedings (*sic*) will cancel the decision of the tálúq court and direct the whole of the fine to be refunded, and thus protect me.

15*th Karkkiṭakam* 1033.

(91.)

To

THE ZILLA CIVIL COURT, *CALICUT.*

The petition presented under Circular Order of the Sadr Court, dated the 17th August 1860, by Aváni Víṭṭil Assam Kōya, in the *Calicut town*, plaintiff in suit No. 279 of 1851 on the file of the Calicut District Munsif's Court, and appellant in appeal No. 77 of 1855, in the said case.

As the fact of the special appeal preferred upon the decree [the above] appeal, being decreed against me, was due to the original decree containing some words which I had not stated in the plaint, I (when execution was taken upon the said decree) submitted to the said Munsif's Court miscellaneous petition, viz., No. 41 of 1864—praying for a remedial order; to which petition an answer has been issued that [the Court] has no power to prohibit the execution of the decree.

1.—As the Munsif is satisfied of the correctness of my statement that the reason for the decision passed by the Sadr Court in the special appeal being against me, did not arise from anything on my part, he is not justified in rejecting my application and directing the execution of the decree.

2.—As the second defendant alleged in his counter-plea that the statement contained in the plaint (to the effect that the rent due after deduction of the land-tax was paid up to the year 1002 only) was

untrue, and that it was paid up to 1007 and so forth, it is evident that my suit is not barred by lapse of time. The records also will substantiate the fact.

3.—The reason why my case happened to be dismissed, was because the Sadr Court took into notice only a statement which was at variance with my plaint and which was contained in para. 1 of the decision in the original suit, to the effect, that the defendants did not submit and agree to pay the rent. In the judgment on appeal passed in my favor by the appellate court reversing the decree in the first instance, nothing is mentioned about the lapse of time barring the suit.

4.—As the error committed by the Court in the first instance, has proved injurious to my cause, I shall have to suffer loss and grievance if the necessary remedy be not devised and granted by the Court itself. I therefore pray that the Munsif's order may be cancelled.

23rd Kumbham 1039.

(92.)

To

THE ZILLA SESSIONS' COURT, *CALICUT.*

The appeal petition presented on behalf of: (1) Karuvappaḷḷi Uṇṇíri Náyar, (2) Ráman Náyar, and (3) Kóntuṇṇi Náyar, in the Nannampra amśam of the *Chérnáṭŭ tálúq*, by Vakíl Kaṇṇan Ménón.

I beg to submit herewith certified copies of records (marked A, B, C, D,) and to prefer on the grounds hereafter mentioned in this appeal praying for a reversal of the decision of the Joint Magistrate, fining the appellants three and a half rupees each, and dismissing the complaint they preferred before him in respect of the forcible pulling down and carrying away by Payanggóṭṭiri Kaṇṇan Náyar, the Adhikári of that amśam, of a building belonging to the complainants.

1. The defendant with a view to shift the charge from himself, gained over the complainant's uncle, Kéḷu Náyar, a dissolute character and a person hostile to them, and received an antedated petition (marked B) from him, stating that he had no objection to the pulling down of the building. In the report (marked A) which the defendant sent to the tálúq kachcheri together with that petition, he has admitted that he pulled down the building, and took some of the materials thereof, while it is established from the report which the Head Police

Officer of Chérnáṭṭŭ submitted to the Joint Magistrate that Government had no right to appropriate the building, because it had been shown that the building was erected at the private expense of Kuññuṇṇi Náyar, the deceased, uncle of the complainants; the Joint Magistrate without considering the fact thus established, and without ordering what should be done with the materials, and without examining the witnesses produced by the complainants, finds that the complaint is frivolous and vexatious, and also that the depositions (marked D) of the complainants' Vakíl have clearly proved the defendant not guilty. Now the fine of three and a half rupees, imposed on each of the complainants, upon the above finding, is not justifiable.

I therefore pray that the decision may be set aside and an order given for the refunding of the fine, also that exemplary punishment may be awarded for the unlawful act committed by the defendant, and that the restitution of the materials of the building may be directed.

8*th Makaram* 1034.

(93.)

To

THE ZILLA SESSIONS' COURT, *CALICUT*.

The petition presented by Vakil Venkaṭa Subba Ayyan, on behalf of Kiḷiyanáṭṭŭ Teyyan Ménón, residing in the Qasba amśam of the *Calicut tálúq*.

This appeal is made (on the grounds hereafter stated) for a reversal of the order, passed by the Magistrate on the 30th July 1858, directing that the road (lying waste and not used as a thoroughfare) which is situate on the south of the Púḷakkaṇṭi dry-land, (held by Karumarattil Ukkómu Ménón) and on the north of the Puḷiyaśśeri dry-land (belonging to petitioner) be re-opened in compliance with the said Ukkómu Ménón's request.

1.—The road was unused, and not made a thoroughfare and was filled up (by the unanimous consent of the landlords and Ukkómu Ménón, the tenant of the dry-lands situated on both sides) for the convenience of petitioner in erecting a house which was in course of construction on [a parcel of] his dry-land; Ukkómu Ménón afterwards began a law-suit by filing a criminal complaint before the Magistrate, who on enquiry into the matter, has admitted that the act was not the result of force used by either party. This being the case, not only is

his order for the re-opening of the road unjustifiable, but the unreasonable re-opening of the road, which was filled up with the previous consent of both parties and at considerable expense, will entail a heavy loss on me.

2.—In this country, the ditches made by the earth being dug out for the embankments of dry-lands, are called "lanes" [*lit.:* mid-ways] of which some are used as thoroughfares, and others not; the lane under dispute, is of the latter description.

3.—That the appropriation of the road as a public thoroughfare, so as to prove a detriment to the house in course of construction by petitioner, is a matter of grievance to him; that a suit No. 20 of 1858, having been lodged by the owner of the Púlakkaṇṭi dry-land, in the Mufti[1] Sadr Ámín's court, for the possession of the said compound, together with the strip so filled up, the Mufti Sadr Ámín personally inspected the place, and directed it to be attached and kept in its present state until the determination of the civil suit; that the imperative command of the magistrate to re-open the road (which if left as aforesaid, will cause no damage to anybody, and which was so left with the concurrence mentioned, and which has been attached by the Mufti Sudr Ámín's court) is illegal.

It is therefore prayed that the magistrate's order be set aside, and an order issued for the road being kept in the same state as it was before.

27*th Karkkiṭakam* 1033.

(94.)

To

THE ZILLA SESSIONS' COURT, *CALICUT.*

The earnest petition of Valiáparambattu Mūssan, residing in the town of *Calicut.*

As the Magistrate of the province of Malabar has tried my nephew Kiẕha Kédattu Kádi Kōya, on a charge of joining in stealing some coffee belonging to Mr. Westman, a coffee merchant in the Wynád tálúq, and has sentenced him (my nephew) to six months' imprisonment and sixty lashes, and has [accordingly] imprisoned him in the Jail at this station, I beg to represent that the said

(1) Mufti Ar.=an expounder of the law. The duties of a Mufti Sadr Ámín were executive also: the office is now abolished.

Kádi Kōya, has neither stolen nor aided in stealing the coffee as aforesaid ; that he has been carrying on business and leading a respectable and honest life in plantation No. 2 in the Wynád tálúq for about fifteen years ; that he has never been a bad character ; [but] there are several persons who have a grudge against him, and [the Magistrate] relying on a letter which the gentleman had sent at these persons' instigation—did, without making any of the necessary enquiries, and without evidence, pass the above sentence. The servants told Kádi Kōya, that Mr. Westman wanted him ; and when he went there, he was bound and taken before the Magistrate. No property was seized on him, nor was anything found in the search made. No evidence for the prisoner was admitted ; but there are many circumstances as well as witnesses to prove that he had no complicity in the commission of this offence ; of these the Magistrate has declined to admit even one. If punishment be adjudged merely upon a gentleman's letter, without admitting the evidence which justice requires [to be admitted] and without proof, we poor people will suffer great hardships. As the prisoner's imprisonment in jail prevents his representing this matter, I, his kinsman, beg to make this representation.

I therefore pray the Court to look into all the circumstances, call for the records forthcoming in the case, admit the evidence and examine the witnesses for the prisoner, and ascertain the truth, and that the Court will cancel the awarding of any punishment to the said innocent Kádi Kōya, and direct his discharge.

22nd *Dhanu* 1034.

P. S.—Though I applied at the Magistrate's office, both verbally and in writing, I have not been furnished with a copy of the decision.

(95.)

To

THE ZILLA SESSIONS' COURT, *TELLICHERRY.*

The appeal petition of Kunnaṭṭŭ Kuññi Mússa in the dĕśam and amśam of Tellicherry, *Kóṭṭayam tálúq.*

I beg to apply for a reversal of the decision passed by the Magistrate on the 6th January 1849, directing me to find two securities for a year in the sum of Rupees 100, upon a complaint preferred by one

Múṛkkóttŭ Rámunni (1) against the 1st defendant Koṭṭál Avvuḷḷa, and (2) against me, charging us with having used opprobrious language to him.

1.—I am in a state of great bodily infirmity, having been ill for about four months, commencing a month before the alleged commission of the offence, and continuing up to the second or third day after the passing of the decision. I was ill when I attended the Kotwál's[1] station and the Head Assistant Collector's office ; on a medical certificate being required in case I wished to confine myself to my house, I obtained at different times from the doctor three certificates, two of which I submitted to the Head Assistant Collector's office, and the remaining one I have with me ; my witnesses deposed to my having been laid up a whole month before the commission of the offence; they also stated that the course of my illness was such that for two or three days it was severe and I was insensible and unable to rise from my bed ; that again for two or three days I was not insensible but was unable to get up, and that they were uncertain as to the date when I was so ill as to be insensible, and they therefore could not say whether it was or was not the day the offence occurred. Every one will therefore be satisfied that I had been ill long before the offence occurred, and that consequently I was in an infirm state of body, and it will be clear that I being in a condition such as is aforesaid, could not have been able to go to the place where the offence was alleged to have ensued, or to provoke [any one] to a breach of the peace.

2.—This false charge was brought against me by Rámmuni, because I refused to yield to his (plaintiff's) wishes in the matter of a suit, (pending in the Munsif's Court of Tellicherry) regarding a parcel of ground. Should more details be given of our mutual enmity, the number of my enemies will be increased ; fearing therefore that I shall be again similarly annoyed by means of false charges, I have not ventured in this to describe it more fully.

I therefore humbly pray that the proceedings may be called for and examined, and the cancelling of the engagements of my securities, directed.

25th Makaram.

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(1) Kotwál—An officer of police for a town or village, who also superintends the market, and furnishes supplies to travellers and performs other similar functions.

(96.)

To

THE ZILLA SESSIONS' COURT, *CALICUT.*

The appeal petition of Moyiliyárakaṭṭŭ Sítikkuṭṭi ; and 2nd, his brother Marakkáṟ Kuṭṭi, inhabiting the Béppúrŭ amśam in the *Calicut tálúq.*

As the decision of the Magistrate dated the 22nd May 1858, imposing a fine of five Rupees on each of us, on account of the complaint lodged by Mr. A. Dick, charging us with having unlawfully entered upon his compound, is grievous to us. This appeal is presented with a copy of the above decision :—

1.—It is stated in the decision, that we entered between twelve and one at night to commit a theft, at the place where Mr. Ouchterlony's coffee was spread to dry and so forth.

2.—While we were bringing down at night a raft of timber belonging to Gópáliji Śéṭṭu, a merchant, and after the tide began to ebb and the raft began to ground, we brought the raft to shore and fastened it—and having ascended the bank we called out for a little water in order that we might eat our food, [*lit.* : rice] then a servant of the gentleman brought some water and gave it us, and we ate our rice there.

3.—After this, the gentleman detained us there, not letting us go till the evening of the next day, when a peon came ; and as the gentleman was about to forward us with him, we desired the gentleman to take charge of the raft, stating that we would have to make good the loss should it drift away, and so delivering charge of the raft to the gentleman, we went with the peon, who gave us up at the Ámín's kachcheri, we were then verbally examined at the Ámín's, who made enquiries, inspected the Adhikári's report, and discharged us, because no suspicion appeared to attach to us.

4.—Subsequently the Magistrate sent for us, took down our depositions only, and fined us without any evidence being adduced.

We are poor people, earning a livelihood for our families by forming and conveying rafts of timber as aforesaid, and by working as laborers.

Those who go for the purpose of committing theft, will not take rafts of timber with them, nor will they call out for water.

We therefore pray that the Court will feel pity for us poor people, and call for and examine the records, and order the fine levied on us to be refunded, and so redress our grievances.

6th Mithunam 1033.

(97.)

To

THE ZILLA SESSIONS' COURT, *CALICUT.*

The appeal petition of Puḷiyórttu Eṭamóḷi Rárappan Náyar, in the déśam of Kóṭṭakkáṭṭŭ of the Viyyúrŭ amśam, *Kuṛumpranáṭŭ tâlúq.*

I prefer this appeal against the decision given on the 6th August 1858 by the Magistrate in which he—(on considering the matter of the appeal, I made for a reversal of the decision passed by the Head Police Officer in the matter of the complaint lodged in the Kuṛumpranáṭú Head Police Officer's Court [*lit.* : in the tálúq] by Eṭavalattŭ Karuṇákaram Náyar, against me and others, in respect of the western portion of the outer part [*lit.* : branch] of the land called Oṛachchan Viṭŭ Poyilŭ, situated in the said déśam, of which portion the absolute proprietorship and occupation is vested in me) confirmed the [abovesaid] decision of the Head Police Officer.

1.—As not only is it satisfactorily proved by the testimony of my witnesses, that I hold under the tenure hitherto existing the land which forms the subject-matter of the complaint, but also, as the fact, that the prosecutor—on my offering before the Head Police Officer and the Magistrate to give up the land and crops, provided he swore to the truth of his claims, or otherwise I would swear to the truth of mine—said that he had no mind for either course, shows (if at all considered) the want of veracity on his part, therefore the confirmation by the Magistrate of the Head Police Officer's decision will not at all hold good.

2.—The prosecutor merely got two witnesses to depose, that it is he who has grown crops this year on the land to which the complaint refers; he has adduced no other evidence. Moreover, since the Head Police Officer himself has admitted in his decision, that on enquiries made of others, it appeared that the statements of these witnesses were quite untrue, the Magistrate is not at all correct in saying in his decision that there is no reason to disturb the Head Police Officer's order by other proceedings.

3.—My appeal to the Magistrate was for a reversal of the Head Police Officer's decision given through partiality towards the complainant; his refusing to reverse it, and affirming the Head Police Officer's decision, is a serious grievance.

I therefore earnestly pray that the proceedings may be called for and examined, the Magistrate's decision set aside, and a decision passed, to the effect that I should hold the land as formerly, though after an oath being taken in verification of my claims.

24th Karkkiṭakam 1033.

(98.)

To

THE ZILLA SESSIONS' COURT, *CALICUT.*

The appeal petition of Vaḷóṭṭŭ Náráyaṇi Amma[1] of Káyaliyáṭṭŭ désam, and Muṇḍamkoṭṭŭ Kuṛiśśi amśam, *Neṭunganaṭŭ tálúq*, 5th prisoner in the case 74 of 1858, on the file of the Joint Magistrate.

The decision given by the Head Police Officer of the Neṭunganáṭṭŭ tálúq, dismissing the complaint preferred by the prosecutrix, Vaḷóttŭ Páṛvati Amma, my mother, charging six persons including myself, with having seized her and threw her down and having forcibly taken and carried away coins and ornaments and two notes of hand for 147 paras of paddy, [was] reversed by the decision of the Joint Magistrate, dated the 23rd July 1858, declaring that the prosecutrix is the head of the family, and that I should surrender the property and lands to her, and quit the house ; against which decision I appeal for the following reasons :—

1st.—The Head Police Officer gave his decision in the first instance, after having enquired into and obtained corroboration of the evidence adduced (on the enquiry made by the Sub-Officer) to the effect that I, the fifth prisoner, am the person in charge of the money, ornaments and documents, &c., referred to in the complaint, and that I look after the family [*lit.*: household] concerns, as also that my management, not being agreeable to the prosecutrix and her son Náráyaṇan, they, being desirous of a partition of the property, brought this false charge. In the absence of any contrary evidence for the prosecution, a decision directing (in opposition to former customs and to the rules of criminal law) that the property in my possession be surrendered to the prosecutrix, and that I and the family should quit the house even, is quite unjustifiable.

2nd.—The prosecutrix, a person upwards of sixty years old, whose mind is infirm, is influenced by the misrepresentations of several persons; and her son Náráyaṇan is a person who does not reside in the house, a drunkard and a vagabond, who has been guilty of [sundry] malversations of property ; therefore the decision in the first instance clearly states that such a complaint was instituted for the purpose of ruining the property and the family ; that the finding of the Joint Magistrate, that the property and its disposal should be given up to

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(1) A female name.

such a person as the prosecutrix, and that myself and other members of the family should leave the house, is likely to lead to myself and family having to quit the country; and this is a departure from that protection which it is the duty of the state to afford [*lit.*: inconsistent with protection of the state.]

3rd.—As this complaint, which was to the effect that force had been used, was dismissed on the substantial ground of its being a falsehood as well as for want of evidence, the decision of the Joint Magistrate laying down a rule for the management of the family affairs, respecting which there was no dispute, is illegal.

I therefore pray, that the Joint Magistrate's decision may be set aside.

2d Chingam 1033.

(99.)

To

THE ZILLA SESSIONS' COURT, *CALICUT.*

The appeal petition of Kariyani Ammatŭ Kuṭṭi in the Vayalattúṛ amśam, *Chávakkáṭŭ tálúq*—1st defendant in case No. 41 of 1858, on the file of the said tálúq court.

Upon the appeals Nos. 43 and 48 of 1858, preferred to the Joint Magistrate by the complainant and 2nd defendant respectively, against the decision given by the Head Police Officer of the tálúq (on the complaint lodged by Ayiśśi Umma of Ráyam Marakkár Akam) directing that the land in the occupancy of myself and my wife, the 2nd defendant should be possessed and occupied by the prosecutrix, the Joint Magistrate gave a decision on the 29th June 1858, confirming the order of the Head Police Officer's Court [*lit.*: tálúq kachcheri] and fining me ten rupees, and further directing that in default of payment I should be imprisoned for fifteen days. Against this decision, I appeal on the following grounds:—

1.—The decision makes no mention of my having proved the fact that I obtained the land as [my wife's] dowry, and thus occupied it. What is stated in the decision on the strength of what appeared in the depositions as the statements made by Támarattŭ Ammatŭ, (who was imbecile ill and dying), is neither right nor lawful.

2.—It is quite unjustifiable to disallow our occupation [merely] on the declaration alleged to have been made by Ammatŭ, and on the plea of the prosecutrix, and to disregard (1st) the circumstance that it was neither lawful nor necessary for the said Ammatŭ to make an absolute transfer during his life-time in favor of one who on his death would be his heir, and also (2nd) the circumstance that such a disposition was a contrivance to defeat [the expectations of] myself and my wife.

3.—In the examination of this case, Kuññi Moyitin of Kariyanil, Vkákíl for the prosecutrix, deposed that he was renting the disputed parcel of ground, and the 7th and 8th witnesses stated they were living in the house on the land. Now, when they, on a trespass having (according to their showing) been committed on what was thus in their occupancy, did not prove a criminal charge, [then it is manifest that] to admit of and enquire into the complaint of the prosecutrix (who acknowledges she had not possession) and to adjudge the possession to her, is contrary to the rules and procedure of criminal law, and [that] the confirmation of the decision of the Head Police Officer [tálúq kachcheri] without consideration of this fact is improper.

4.—If the proceedings be even looked at, it will be clear that there is no room for the imposition of a fine in the present case, in which (1st) I have pleaded and proved that this land was obtained as a dowry, and is in the possession and occupancy of myself and my wife; and in which (2nd) the prosecutrix has contended merely orally, and without any documentary evidence, that the land given as dowry, was different.

I therefore pray that the decision may be set aside, and a new decision passed, directing the fine to be refunded and securing the possession of the land to myself and my wife.

13*th Karkkiṭakam* 1033.

(100.)

To

THE TELLICHERRY ZILLA SESSIONS' COURT,
TELLICHERRY.

The petition of Kizhakke Víṭṭu Máyaṇḍi of *Kóṭṭayam tálúq*, Katirúr amśam and déśam.

The Head Assistant Magistrate has sentenced me to find two securities for Rupees 200 for a year, and (for the same offence) after the

expiration of that period to find securities again, on my conviction on a charge which Múrikkáṭṭŭ Rámuṇṇi falsely brought against me to the effect that I said to him: "You must not pass this way; and if you do, I will burn you up like they did the Kaḷattil Tanggaḷ." This sentence being a just cause of complaint to me, I beg to appeal against it:—

1.—The fact of its being well known to every one that the above charge, and the evidence in support of it is a fabrication, may be proved by a reference to any of the inhabitants of Tellicherry [including] the officers of this Court (from the Śerishtadár down to the lamp-lighter) also the Principal Sadr Ámín and any of the officials of that Court, and the Munsif and all the officials of his Court.

2.—At the time when the offence is alleged to have taken place, I was forty-three miles away on my farm (paṛampŭ) of Kaḷḷottŭ engaged in my work with 100 other persons. And if any of these (with the exception of seven already examined) be examined, or the head-men and chief inhabitants, the Adhikári, the accountant, the Police Ámín, or any of the officials of the Munsif's Court, my statement will be fully proved and more.

3.—As a further evidence of the falsehood of this charge, I have the petition of 667 respectable inhabitants including Pŭváṭan Chózhikuṭṭi and Pókkarkeyi, in which they have represented for the consideration of Government that this charge is entirely unfounded, that it was brought against me unjustly and through malice, and that for such complaints to be affirmed true, is for Government to reward complainants for inventing false charges, whereby many will be brought to distress, and Government will act unjustly.

4.—In the complainant's petition it is stated that the abovesaid words were addressed to him and his witnesses in the case of the cart, while in his deposition he states they were addressed to himself alone. Complainant further states in his petition that the affair of the cart was not settled, because the amount tendered was not sufficient, contrary to which it is stated in the complainant's deposition that it was owing to the complainant's not agreeing to settle the affair amicably, and to his not bearing false witness for the sake of the defendant. In the deposition of his 1st witness, it is stated that the expression was addressed to the complainant only, and not to any of the witnesses in the affair of the cart, and that the 2nd defendant said only that he would do some bodily harm to the complainant, while the 2nd witness

states that the 1st and 2nd defendants both spoke the same words. Besides saying that out of as many as thirty persons who were assembled, the witnesses could recognize only each other, and recognized no one else, (which is a very suspicious circumstance); the 1st witness further deposes that it was he who first descended the steps on which the complainant was standing, and that then the plaintiff got a little out of his way [or made a little room for him to descend]. Contradicting this, the 2nd witness states that some one pulled away complainant from the steps; and that before this, no one had descended the steps, and that it was after this that the witness descended. The 1st witness deposes that at the time of the quarrel, he saw the 3rd witness Uṇṇi coming along the road, whereas the 3rd witness states that the other two witnesses were on the spot at the very commencement of the quarrel. The 2nd witness states that he saw the 1st witness standing on the road during the quarrel, while the 1st witness contradicts him by saying that it was in the compound he was standing, not on the road. The 2nd witness states that some masons were working near the steps, and that he recognized only one of them. This mason who was recognized was not produced as a witness in this case, and not only so but the other witnesses have stated nothing about any masons working there—contradicting the 1st witness' statement, the 3rd witness states that both the defendants uttered the same words at the same time. The 3rd witness states that the quarrel lasted a quarter of an hour—the 1st witness, that it lasted half an hour; and the 2nd witness, three-quarters of an hour. The 2nd witness first stated that he saw assembled thirty persons at a distance of five Malabar yards, that he did not recognize any one of them; and on cross-examination, he stated that he made out two of them, and that these two were the other two witnesses. The 2nd witness states that some one or other pulled away the complainant from the steps; contradicting this, the complainant states that no one pulled him away, but he himself went down quietly; and this fact of the pulling away has not been mentioned by any of the other witnesses—the 2nd witness states that the expression: "You must not pass this way," was spoken last. Contradicting this, the 3rd witness states that these words were spoken at the commencement of the quarrel. From the fact of the statement of the witnesses that while going each on different errands, they all saw the complainant standing on the step, it should appear that the complainant got on the steps before any of the witnesses [came up]. The complainant states that at the moment he put his

foot on the step, threatening words were addressed to him. Under this circumstance, the stories made up by them stating that, when the complainant first came I was quietly waiting for the witnesses to come up; that up to that moment, the complainant was standing on the very step, and that on the arrival of the witnesses I altered the abovesaid expressions, are utterly unworthy of belief. The statements of the 1st witness, viz., that he saw the 2nd witness standing in the compound at the time when he came to the place, and that when he was standing in the compound, he saw the 3rd witness passing along the road from north to south, go to prove that the 2nd witness was on the spot before the 1st, and that the 3rd witness arrived there only after the 2nd. If this be the case, how were several witnesses (who according to their own statement, came one before, and another after) able to hear from the beginning to the end all that the complainant (present on the spot before their arrival) says was spoken to him? Even if this fact alone be taken into consideration, no further evidence is required that the witnesses were taught what they were to depose.

5.—It is evident even to children that if I had any intention of hurting the complainant I would not have spoken as alleged in the complaint; for if I had proclaimed such [an intention] to him, my intention would have been frustrated by his endeavouring to prevent its being carried out. Moreover it cannot for one moment be believed that [even though I might bear malice against the plaintiff] I would utter, before a great number of people, impracticable threats to my own great injury, knowing that if I did so, I myself and my own property and family would be injured.

6.—Many persons have been engaged in various cases as Vakils against even myself, and yet I am on good terms with them, and have no ill-feelings towards them. Now taking this into consideration, it is contrary to evidence to decide that I would be likely to injure the complainant merely because he had pleaded against my elder brother. Not only this, but it is evident from the records of the case concerning the cart, that I and my elder brother were not likely to bear any ill-will towards plaintiff on the ground of his having pleaded in the case, since my elder brother, who was losing the case, won it by the complainant's being employed as Vakil [against him], and so it turned out to our advantage. Hence what is affirmed on this point in the judgment—(viz., that I bore ill-will towards the complainant, because he had pleaded against my elder brother) is of no weight.

7.—It is to be inferred from the judgment that it is from the three previous complaints filed against me from 1852 to this date, and from what has been said by certain head-men, un-named, that I have been adjudged, a person ready to do any [desperate] deed, and punished [accordingly]. It is stated in the petition to Government of the head-men of this part of the district, that I did not commit this offence. And therefore, I do not know who the head-men are who are referred to in the judgment. If any one said anything, his name should have been mentioned. If their names are mentioned, I am ready to prove by sufficient official documents that their word is not worthy of belief. Moreover no one can be convicted of a crime on mere oral testimony given in private, and without taking down depositions on oath.

8.—One of the three previous suits mentioned above is a decree from the Faujdári(1) Court. That is in this Court. If it be referred to, it will appear, that should I be held guilty on the evidence of the said witness, it will be a most accursed thing [*lit.* : a blasphemy against the Creator] and that the charge was not established. As this charge was not established, it is unjust to say that I committed that offence, or that I am [therefore] ready to do any desperate deed.

9.—During the trial of a case of mine in the Mufti Sadr Ámín's Court, when I pointing out the mistake made by the Gumasta of that Court, the Mufti Sadr Ámín insulted me, and because I said that the depositions of the witness could not be admitted, and fined me rupees two for contempt of Court, against which I appealed to this Court; and for his insulting me, I afterwards filed a complaint (3 of 1858) in the Court of the Principal Sadr Ámín, laying damages at Rupees 1,500 for defamation of character; and when the Mufti Sadr Ámín was meanwhile leaving this for his native place on leave, I presented a petition, requesting that surety should be taken for the amount of the damages claimed by me for the defamation. Múydin Názir and Káṛu Kaṇáran, a Vakil of this Court—(being at enmity with me on the grounds that this happened through the Mufti Sadr Ámín taking on himself the Gumasta's fault; that I had given evidence in the case of the poisoning of Mr. Forsett; and that it concerned myself [was concerned] in the case of the theft in Kurangupátu Kannan's upstair house)—requested the Principal Sadr Ámín to dismiss the case. And

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(1) A. Fauj = a multitude, police jurisdiction. Faujdár—an officer of the Government who was invested with the charge of the police, and jurisdiction in all criminal matters. An Uncovenanted (A native) Criminal Judge.—This office is now abolished.

it was on their representations that he was in danger of his life, and that they could get the complaint of defamation dismissed if a police charge [of threatening to kill] was brought against me, and so on, that the complaint of the Mufti Sadr Ámín was made. The substance of that complaint was that I had said: 1st—"I will [see] something [yet]." 2nd—"I will show him." 3rd—"The Mufti has no authority in the bazaar." Now it is not alleged that these words had been heard by the Mufti himself, but only that I said them to [of all other persons] my enemies, the above Múydin and others. Nevertheless, I was charged with having by these words put the Mufti in fear of his life. Now it is very common for suitors, who have lost their case and also been fined, to say such things as that they "will show" the mistakes of a lower Court to a higher Court; also that "they will see" the result of making an appeal, or that a fine was inflicted because a suit was filed, but that if the Sadr Ámín were only in the bazaar, he would have no power to inflict a fine. As the meaning of these words do not go to show danger to life, I am not guilty of any offence even if I confessed to the above words, never [however] uttered by me. On considering the official documents which are mentioned in the petition presented by me to the Magistrate's Court on the 1st Vṛiśchikam 1034, it will be apparent that the above complaint is false. Even if it [the statement] be granted, it will be seen that I have not done any of the things in that complaint, that I did not say that I was going to do any violent deed, and that in the [written] compromise of the above unfounded complaint, I was not going to, and I did not, admit that any offence had been committed by me. Now the decision [which the Head Assistant] founds on these same records to the effect that I am a man who will dare anything, and a bad character, is in opposition to the fact that I was very much frightened, *i. e.*, the main fact to be drawn from what is written in the compromise, which says that in consideration of the influence of his office and other such considerations, I agreed nominally to put [consider] his honor first, and beg his pardon in order to put an end to his enmity.

10.—When enquiry was made of the Police Ámín and of the Munsif of Tellicherry, who conducted the preliminary enquiries, and of the officials of those Courts, they said that no quarrel took place. On looking at the proceeding of that date, it appears that the Court sat until ¼ to 6 o'clock. It is evident, if it be considered, that the Ámín did not state in his report what was said as above, but concealed it.

11.—Of the three cases mentioned in the decree, besides the two explained as above, there remains only the case of the cart. As in this, there was no complaint or witnesses against me, it is needless for me to say anything respecting a charge like that.

12.—After the fright that I got from the previous trials, it may be deemed pretty certain that I would not be likely to attempt any future offences.

13.—It is a great grievance to me that I who am a man in prosperous circumstances, who have built myself fine lofty houses, and am deriving (from capital, trade, and the produce of the trees planted on land, I have redeemed from waste) an income of Rupees 40,000 per annum, besides possessing other wealth, should be [thus] condemned, and that it should be affirmed by the Head Assistant Magistrate, and that too, on merely conjectural grounds, that I am going to do some deeds which would lead,) by bringing about my own death, or by my leaving the country or suffering some other severe calamity,) to my having to abandon all my above possessions and enjoyments, and that he should say of me, like one would of some unfortunate wretch who lives by thieving, that I am a bad character; and I humbly pray therefore that this decision [opinion] of the Head Assistant Magistrate may be reversed, and my grievance redressed.

APPENDIX.

A

THE tenure of land in Malabar is very peculiar. Land is more commonly given in a kind of nominal mortgage rather than merely rented or sold, the mortgagee occupying and cultivating the land, or even sub-letting it to others, provided he does so at not more than the sum paid by himself, and on the same conditions. The original owner still, however, continues to be the janmi, *i. e.*, the land is part of his hereditary family property, and he can always re-enter on the possession of his land by redeeming the mortgage. But money to do this is often scarce, and lands thus mortgaged often pass from generation to generation in the family of the mortgagee who thus comes to be regarded as, for all practical purposes, the owner of the land. Still, he can never rightfully call it his janmam, only that it is in his anubhavam, *i. e.*, that he has the usufruct of it. Janmam is hereditary [*lit.*: birth-right] property, [Sanskrit, jan, to be born.] It is generally immovable property, but not necessarily: for instance, when slavery was allowed, slaves were also janmam property.

In other parts of the Madras presidency, the land is the property of Government. In Malabar, nearly all land is the janmam of private persons.

He who holds the janmam-right, is called the janmikkáran. As above explained, the land is frequently held and cultivated by others than the janmikkáran.

B

The words mortgage, lease, and rent, have been used in these translations. But they must be understood not as in England, but in quite an accommodated sense. The leases are more a kind of mortgage, and what are called mortgages are, in the majority of instances, more strictly sales, with the reservation to the janmikkáran, more or less of certain seignorial rights, and a right of pre-emption. And in lieu of rent, the janmikkár has interest; *i. e.*, the Kuṭiyán or tenant

pays a certain sum of money less than the value of the land (generally about two-thirds) to the janmikkár. This is called Káṇam. This the janmikkár has free of interest, the Kutiyán going equally free of rent. There are all sorts of variations, but this is the general principle.

If a janmikkáran wishes to sell his janmam, he must make the first offer to the Kuṭiyán, (who must accept it or return the land to the janmikkár) who is similarly bound, if he wishes to dispose of his rights, to make the first offer to the janmikkáran. But it is considered somewhat disgraceful to sell one's janmam; formerly it was seldom done, and even now it is not usual. When a janmam is sold, ancient custom demands that the janmikkár present water from the land to the purchaser, who, if of equal or lower caste drinks it, or if of higher caste washes his hands and face and feet with it. This is the sign and seal of his new proprietorship.

There is a kind of mortgage called Keṭṭiyaṭakkam, in which the janmikkár retains the management of his estate, but in general, it is occupied and cultivated by the mortgagee.

C

The tenure of a jungle land, that is being brought into cultivation, cannot be called strictly a mortgage or lease. The janmikkár agrees to allow the Kuṭiyán to hold and cultivate the land for a certain term of years without payment of rent, and on resumption to re-pay the expenses of cleaning and the value of his improvements. This is called az<u>h</u>i kuz<u>h</u>i kúṇam. Of course, till the janmikkár is not able to reimburse the Kuṭiyán, he cannot enforce any claim for the land being handed over to him. (This was the occupancy referred to in petition No. 61.)

D

As above said, slaves, Cherumár, were janmam also. They generally went with the land, but could be, and sometimes were, sold separately. Anciently the janmikkáran had power of life and death on his slaves. Slavery was abolished in Malabar by Act VI of 1846, but the slaves, still in many cases, live on the lands of their ancient owners, and work for them.

THE END.